

By Mr. LAMBETH: A bill (H. R. 8963) for the relief of Marguerite Peedin; to the Committee on Claims.

By Mr. LAMNECK: A bill (H. R. 8964) granting an increase of pension to Amy A. Watson; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 8965) for the relief of Jackson Howard; to the Committee on Military Affairs.

By Mr. RUTHERFORD: A bill (H. R. 8966) granting an increase of pension to Nelle G. Eckman; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3775. By Mr. COLDEN: Resolution adopted by the Teamsters Joint Council, No. 42, of Los Angeles and vicinity, California, protesting against statements to the effect that labor racketeering and extortion are prevalent in the city of Los Angeles, and asking the President of the United States to assign representatives of the Department of Justice for the purpose of investigating such charges; also that he enlist the aid of the Attorney General in having investigated the activities of antiunion interests; and that the Civil Liberties Committee of the United States Senate investigate the matters mentioned; to the Committee on the Judiciary.

3776. Also, letter from the Conservation Association of Los Angeles County, Calif., calling attention to provisions in Senate bill 2970, for reorganization of the Government departments, considered inimical to southern California, and suggesting certain amendments; also submitting statement concerning the reorganization of executive departments; to the Select Committee on Government Organization.

3777. By Mr. CONNERY: Petition of Local 201, United Electrical and Radio Workers of America (Electrical Industry Employees' Union), of Lynn, Mass., urging Congress, business, and industry to use the power of the government of the people to defeat the purpose of certain interests who wish to profit at the expense of national well-being; to the Committee on the Judiciary.

3778. By Mr. CURLEY: Petition of the New York County Lawyers' Association, New York City, recommending disapproval of Senate Joint Resolution 220, introduced by Senator SHEPPARD, which seeks to amend the Constitution of the United States in relation to taxation of homesteads; to the Committee on Ways and Means.

3779. Also, petition of the New York County Lawyers' Association, New York City, recommending disapproval of House bill 8351, introduced by Mr. LAMNECK, in relation to designating the maintenance of oppressive wages and oppressive hours or oppressive child labor as an unfair method of competition in commerce; to the Committee on Labor.

3780. By Mr. DIXON: Resolution of the Department of Ohio, the American Legion, in convention assembled, requesting that the Navy Department be asked to name one of the new ships to be laid down in 1939, or shortly thereafter, the "Ohio"; to the Committee on Naval Affairs.

3781. By Mr. DORSEY: Petition numerously signed by citizens of Philadelphia, Pa., protesting against the provisions of Senate bill 2970, the reorganization bill, which will permit the transfer of the Forest Service, Biological Survey, and Soil Conservation Service from the Department of Agriculture, and the renaming of the Department of the Interior as Department of Conservation; the signers of this petition respectfully urge specific exemption from transfer, under this bill, of the above-mentioned divisions from the Department of Agriculture, and elimination of the provisions for renaming the Department of the Interior; to the Special Committee on Reorganization.

3782. By Mr. LUTHER A. JOHNSON: Petition of Earl Graham Unit, No. 159, American Legion Auxiliary of Bryan, Tex., favoring House bill 6704, known as the universal service bill; to the committee on Rules.

3783. By Mr. MERRITT: Resolution of the Fourth Assembly District Democratic Club of Jamaica, N. Y., demanding reestablishment of the Naturalization Bureau, heretofore attached to the office of the clerk of the County of Queens, in Jamaica, N. Y.; to the Committee on Immigration and Naturalization.

3784. By the SPEAKER: Petition of the American Indian Federation, Sapulpa, Okla., petitioning consideration of their resolutions dated July 25, 1937, July 29, 1937, and July 30, 1937, with reference to communism; to the Committee on Indian Affairs.

3785. Also, petition of the Winfield Industrial Union Council, Alabama, petitioning consideration of their resolution with reference to unemployment; to the Committee on Appropriations.

SENATE

FRIDAY, JANUARY 14, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, January 13, 1938, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Johnson, Calif.	Overton
Andrews	Connally	Johnson, Colo.	Pittman
Ashurst	Copeland	King	Pope
Bailey	Dieterich	La Follette	Radcliffe
Bankhead	Donahay	Lewis	Reynolds
Barkley	Duffy	Lodge	Russell
Berry	Ellender	Logan	Schwartz
Bilbo	Frazier	Loungan	Schwellenbach
Bone	Gerry	Lundeen	Sheppard
Borah	Gibson	McAdoo	Shipstead
Bridges	Gillette	McCarran	Smathers
Brown, Mich.	Glass	McGill	Smith
Brown, N. H.	Guffey	McKellar	Thomas, Okla.
Bulkeley	Hale	McNary	Thomas, Utah
Bulow	Harrison	Maloney	Townsend
Burke	Hatch	Miller	Truman
Byrd	Hayden	Minton	Tydings
Byrnes	Herring	Murray	Vandenberg
Capper	Hill	Neely	Van Nuys
Caraway	Hitchcock	Norris	Walsh
Chavez	Holt	Nye	

Mr. COPELAND. I announce that my colleague [Mr. WAGNER] is much better this morning, but is still detained on account of illness. I ask that this announcement stand for the day.

Mr. GIBSON. I announce that my colleague the senior Senator from Vermont [Mr. AUSTIN] is unavoidably detained from the Senate. I ask that this announcement stand for the day on all quorum calls.

Mr. MINTON. I announce that the Senator from Rhode Island [Mr. GREEN] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from Georgia [Mr. GEORGE], the Senator from Oklahoma [Mr. LEE], the Senator from New Jersey [Mr. MOORE], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Florida [Mr. PEPPER], and the Senator from Montana [Mr. WHEELER] are detained from the Senate on important public business.

Mr. McNARY. I announce that my colleague [Mr. STEIWER] is necessarily absent, and that the Senator from

Pennsylvania [Mr. Davis] is unavoidably absent on official business.

The VICE PRESIDENT. Eighty-three Senators have answered to their names. A quorum is present.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following resolution of the General Assembly of the State of Ohio, which was referred to the Committee on Immigration:

Resolution relative to the deportation of criminal aliens

Whereas the department of public welfare is requesting a large appropriation for the construction of a new penitentiary at the London prison farm; and

Whereas it is commonly known that the penal institutions of Ohio contain a large percentage of aliens among their criminal population; and

Whereas it is a matter of tremendous cost to the taxpayers of Ohio to prosecute and convict these aliens, and then later to maintain them in the penal institutions of the State; and

Whereas it would be to the best interest of society in general that such aliens be deported; and

Whereas the deportation of such criminal aliens would largely relieve the overcrowded condition in the penal institutions of Ohio; and

Whereas such deportation of criminal aliens cannot be brought about unless Congress amends the immigration and deportation laws of the Nation: Therefore be it

Resolved, That the warden of the Ohio penitentiary, the superintendent of the London prison farm, the superintendent of the Ohio State reformatory, and the superintendent of the Ohio reformatory for women, be, and are hereby requested to file with the clerk of the house of representatives the name and a brief personal history of the case of each criminal alien in the respective penal institutions for transmittal to each United States Senator and Member of Congress from Ohio; and be it

Resolved, That the Congress of the United States be, and is hereby requested to so amend the immigration and deportation statutes as to permit the immediate return to their respective countries of the criminal aliens now confined in the penal institutions of this State or that may hereafter be convicted while living in the State of Ohio; and be it

Resolved, That a copy of this resolution be sent by the clerk of the house to each United States Senator and Member of Congress from Ohio, to the Clerk of the United States Senate, to the Clerk of the United States House of Representatives, and to the Governor and attorney general of each State in the Union.

The VICE PRESIDENT also laid before the Senate a resolution adopted by the executive board of the International Association of Heat and Frost Insulators and Asbestos Workers, Local No. 12, New York City, N. Y., appealing to Congress to encourage private initiative in the construction industry, and to establish a sound and stable public fiscal policy, which was ordered to lie on the table.

He also laid before the Senate a telegram in the nature of a petition from the Amalgamated Meat Cutters and Butcher Workmen of North America, New York City, N. Y., praying for the enactment of the so-called Wagner-Van Nuys antilynching bill, which was ordered to lie on the table.

Mr. LODGE presented a petition of sundry citizens of the State of Massachusetts, praying for the enactment of legislation to abolish the Federal Reserve System as presently constituted and to restore the congressional function of coining and issuing money and regulating the value thereof, which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted by the Williamstown (Mass.) Taxpayers' Association, favoring the enactment of legislation making public the names of all persons receiving aid or assistance from the Federal Government to the local welfare boards so as to avoid duplication of welfare expenditures, which was referred to the Committee on Finance.

Mr. WALSH presented a resolution adopted by the Council for Western Massachusetts, favoring permanent retention of the Civilian Conservation Corps, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the official board of the Centre Methodist Episcopal Church, of Malden, Mass., protesting against the Government's participation, directly or indirectly, in the manufacture of rum or other intoxicating liquors for beverage purposes in the Virgin Islands, which was referred to the Committee on Territories and Insular Affairs.

He also presented a resolution adopted by the Cambridge (Mass.) Industrial Association, protesting against the enactment of the bill (S. 69) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended and supplemented, by limiting freight or other trains to 70 cars, which was ordered to lie on the table.

Mr. COPELAND presented petitions of custodial employees of the Church Street Annex Post Office in New York City and sundry other citizens, all in the State of New York, praying for the enactment of House bill 2699, reclassifying salaries of custodial service employees in the Post Office and Treasury Departments, which were referred to the Committee on Civil Service.

He also presented petitions of employees of the Behr-Manning Corporation of Troy, and the V. & O. Press Co., of New York, in the State of New York, praying for the enactment of legislation to encourage the return of stable business conditions and the restoration of confidence, which were referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Icebreakers, of Great Neck, N. Y., condemning war as an instrument of national policy and favoring legislation which will keep the United States out of foreign entanglements, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the New York Chapter of the Yankee Division Veterans' Association, New York City, N. Y., favoring the enactment of the joint resolution (H. J. Res. 199) proposing an amendment to the Constitution of the United States to provide for a referendum on war, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of the State of New York, praying for the enactment of House bill 7508, prohibiting the importation of liquor into any State in violation of local law, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by Hudson Post No. 184, American Legion, Department of New York, of Hudson, N. Y., favoring the enactment of the bill (S. 25) to prevent profiteering in time of war and to equalize the burdens of war and thus provide for the national defense, and promote peace, which was referred to the Committee on Finance.

He also presented a resolution adopted by a nonpartisan meeting of employers of Littleton, N. H., favoring the enactment of legislation repealing the present undistributed-profits tax and capital-gains tax, which was referred to the Committee on Finance.

He also presented a resolution adopted by the executive committee of the Onondaga County (N. Y.) Farm Bureau, protesting against the enactment of Senate bill 2475, to establish fair labor standards in employment, which was ordered to lie on the table.

JOINT COMMITTEE ON HAWAII

Mr. KING. Mr. President, at the first session of the present Congress a concurrent resolution was adopted authorizing the appointment of a joint committee to investigate conditions in Hawaii with reference to statehood. The resolution called for a report by the joint committee on the 15th of this month. The members of the joint committee met this morning. They are not quite ready to report, and I was authorized to ask unanimous consent that the committee may have an additional 30 days in which to make their report.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah? The Chair hears none, and it is so ordered.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 3239) for the relief of Minnie B. LaBarre and Harrie A. LaBarre;

A bill (S. 3240) for the relief of R. Thomas Carter; and

A bill (S. 3241) for the relief of R. Thomas Carter and Alice E. Carter; to the Committee on Claims.

By Mr. McNARY and Mr. STEIWER:

A bill (S. 3242) to aid in providing a permanent mooring for the battleship *Oregon*; to the Committee on Military Affairs.

By Mr. MCGILL:

A bill (S. 3243) granting an increase of pension to Sarah E. Crane; to the Committee on Pensions.

By Mr. THOMAS of Utah:

A bill (S. 3244) to amend an act approved June 28, 1937, entitled "An act to establish a Civilian Conservation Corps, and for other purposes"; to the Committee on Education and Labor.

A bill (S. 3245) granting a pension to J. H. Matthews; to the Committee on Pensions.

By Mr. NYE:

A bill (S. 3246) to amend the Tariff Act of 1930, as amended; to the Committee on Finance.

By Mr. NEELY:

A bill (S. 3247) granting a pension to Hosea F. Dearth; to the Committee on Pensions.

By Mr. BULOW:

A bill (S. 3248) to increase the rates of pay for charmen and charwomen in the custodial service; to the Committee on Civil Service.

By Mr. McKELLAR:

A bill (S. 3249) for the relief of Howard Burkette (with accompanying papers); to the Committee on Claims.

By Mr. SHEPPARD:

A bill (S. 3250) for the relief of Samuel Richard Mann (with an accompanying paper); to the Committee on Claims.

By Mr. MURRAY:

A bill (S. 3251) for the relief of Alice Minnick; to the Committee on Claims.

BALANCING OF FEDERAL BUDGET—ADDRESS BY SENATOR LA FOLLETTE

[Mr. MINTON asked and obtained leave to have printed in the RECORD a radio address by Senator LA FOLLETTE on January 13, 1938, entitled "How Can the Federal Budget be Balanced?" which appears in the Appendix.]

MAJORITY AND DISSENTING OPINIONS OF SUPREME COURT IN *M'Cart ET AL. V. INDIANAPOLIS WATER CO.*

[Mr. MINTON asked and obtained leave to have printed in the RECORD the majority and minority opinions of the Supreme Court of the United States in the case of *McCart et al. v. Indianapolis Water Co.*, which appear in the Appendix.]

THIS CRISIS—ARTICLE FROM NEW YORK SUN

[Mr. BYRD asked and obtained leave to have printed in the RECORD an article from the New York Sun of January 8, 1938, entitled "This Crisis," which appears in the Appendix.]

WORLD PEACE—ARTICLE BY FRANCIS B. SAYRE

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an article by Francis B. Sayre on the subject of world peace, published in the New York Times Magazine of Sunday, January 9, 1938, which appears in the Appendix.]

SWEATSHOP OPERATORS IN THE SOUTH—EDITORIAL FROM RALEIGH (N. C.) NEWS AND OBSERVER

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an editorial entitled "Warning," published in the Raleigh (N. C.) News and Observer of January 9, 1938, which appears in the Appendix.]

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

Mr. BYRNES. Mr. President, I ask to have read at the desk a resolution adopted by the House of Representatives of the State of South Carolina with reference to the pending bill.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the clerk will read, as requested.

The resolution was read and ordered to lie on the table, as follows:

A resolution denouncing the bill in Congress commonly known as the antilynching bill

Whereas a bill, known as the antilynching bill, is pending in the Congress of the United States; and

Whereas the said bill, if enacted, would clothe the Federal Department of Justice with jurisdiction in local affairs through the power to punish county officials in cases of lynching; and

Whereas the said bill would allow suits in the Federal courts against counties in which a lynching occurs: Now, therefore, be it

Resolved by the House of Representatives of the State of South Carolina, That in the assertion of our sovereign and constitutional right we denounce this antilynching bill as an insult to the Southern States and as an invasion of the clearly reserved scope of exclusive State jurisdiction; be it further

Resolved, That we denounce this bill in no defense of mob violence, but in reaffirmation of the foundation principles of State sovereignty; and

Resolved further, That we call upon that great sisterhood of Commonwealths, whose cooperative effort founded this Nation, to join us in demanding respect for the autonomy of the several States; and

Resolved further, That copies of these resolutions be forwarded to the Representatives and Senators from South Carolina in the Congress of the United States of America.

In the house of representatives, Columbia, S. C., January 12, 1938.

The VICE PRESIDENT. When the Senate took a recess yesterday the Senator from North Carolina [Mr. BAILEY] had the floor and expressed the hope that he might continue his address this morning. So the Chair recognizes the Senator from North Carolina.

Mr. BAILEY. Mr. President, 2 days ago I was concluding the first section of the first paragraph of my discussion of the pending measure, and at that time I promised to lay before the Senate a great feast—a Jackson Day dinner address by Andrew Jackson himself, made 100 years and 10 months ago, his farewell address to the American people. I thought I should be reading that address and laying that feast before the Senate during all of yesterday. To my discomfiture I noticed that the guests were rather reluctant in coming. I think there were about five Republicans and four Democrats here, on the average, through the day. So I deferred the feast, being reminded somewhat of the parable of the excuses made long ago. One had bought some oxen, and another had bought a field, and another had married a wife; but they all had excuses and did not come.

I meditated for a while on what might be done in order to induce my fellow Democrats to attend a feast at which Andrew Jackson was to be heard. I wondered if I should offer an inducement by way of requiring everybody who came to pay \$100. I am a little fearful of that right now in view of the exhausted condition of some of the gentlemen. At any rate, as the day came to an end and my opportunity was presented, I looked around and saw that the number had been reduced to one Republican and two Democrats, and I thought of the lines of the poet long ago:

I feel like one,
Who treads alone,
Some banquet-hall deserted,
Whose lights are fled,
Whose garlands dead,
And all but he departed!

So I did not make Andrew Jackson's address on yesterday. I am meditating now; I see that I have quite a good audience, but I am a little fearful of undertaking it now. I do not think Andrew Jackson is exactly out of date, but somehow or other he just does not draw the crowd he used to draw. There may be an explanation of that; but that is something in the way of philosophy which I am not going into today.

But I have undertaken today, Mr. President, to accommodate myself to those circumstances; and while I still intend at some appropriate time to read the farewell address of the father of our party, either charging \$100 a plate or not, as advices may determine, at the present time I am going into something which I think will be more entertaining.

Mr. Secretary Ickes made himself either famous or infamous, as we may choose, or as fate may determine—I do not know about that—and made a literary production temporarily famous. It will have a vogue, I suppose, that will last about as long as the vogue of that infamous publication last year called "The Nine Old Men," which is as dead as a yellow hammer now. A Cabinet officer having called attention to this book, I thought I would get a copy of it in order to see it. It is going to be known in our history as the bible

of the Secretary of the Interior—Mr. Ickes' bible. He got all his inspiration for the speech he made the other day from that book. He was well set on fire by it; and I think if there have ever been any evidences of inspiration in that Department they were manifested in this utterance of the Secretary of the Interior. At any rate, I got this book, having a curious mind, and wondering how certain conclusions were arrived at by our ex-Republican and Bull Moose Democrat, or whatever you may call him now. I do not know what his classification is. My friend from Texas [Mr. CONNALLY] says he is not "ex." Well, I hope he will be "ex."

Mr. CONNALLY. He is still a Republican.

Mr. BAILEY. But I insist on the "ex." I am fond of it. I am not going to try to classify him on this occasion. I do not know that that would be fair, but I am saying that here is his book, the book of his inspiration. Here is the book which made him either famous or infamous, as you may choose. I am going to be very careful about making a decision in that regard today.

I wondered how a book could set a man on fire as Mr. Ickes was set on fire, so I got the book. I have been reading the book. I think it is probably worth a man's while, in view of the circumstances—not in view of the book—to look into a thing of this sort once in a while. Reading it yesterday I came across a paragraph that intrigued me very greatly. I should like to have the Senate hear this paragraph, found on page 417 of the book, entitled "America's 60 Families," being the source book of our Secretary of the Interior, and the source—I would not say of his information, not that—but the source of his inspiration.

On page 417 I found this very fine light on our situation in America:

Bathing is a frequent ceremony in upper-class life, and the member of the average wealthy family is apt to spend much time in the bath—telephoning, transacting business with secretaries and housekeepers, reading, listening to the radio or the phonograph, visiting with friends. The psychologist Freud has a theory that frequent washing of the hands marks a betrayal of a subconscious feeling of guilt. Frequently bathing, by the same token, must then mark a betrayal of an even deeper feeling of subconscious guilt.

[Laughter.]

So if you wash you are guilty. [Laughter.] If you get in the bathtub you are condemned. That is a new doctrine in America; but I will say that I am ready for anything now. I have heard enough of things new and strange not to be astonished at the bible of the Secretary of the Interior, Mr. Ickes. He laid down the law here that if you wash your hands it is a sign that you have a subconscious feeling of guilt; and if you frequently bathe—that is what he says—

Frequent bathing, by the same token, must then mark a betrayal of an even deeper feeling of subconscious guilt.

[Laughter.]

So now, if you bathe, look out. I should advise Senators hereafter, if they are going to bathe, to keep it very quiet; and by no means should they bathe more often than they did in the old "horse and buggy" days; that is, every Saturday night. [Laughter.]

All of this has brought to my mind, my fellow Senators, a good deal that interests me tremendously. It never before had occurred to me that if a rich man washed his hands it was a bad sign, or that if a poor man washed his hands we might find him guilty. I have the book here, however; and if it is printed in a book, and the Secretary of the Interior gets all his inspiration from it, I think we ought to pay a great deal of attention to it.

Mr. SMITH. Mr. President—

The PRESIDING OFFICER (Mr. HERRING in the chair). Does the Senator from North Carolina yield to the Senator from South Carolina?

Mr. BAILEY. Before I permit the Senator to interrupt me, I should like to ask him whether he has bathed lately. [Laughter.] If he has, I do not want to deal with him.

Mr. SMITH. But the Senator warned us, if we bathed, not to make it public. Does the Senator want me to betray my guilt right here? [Laughter.]

Mr. BAILEY. I just warn the Senator. That is all I have to say. Go ahead; I will take the risk.

Mr. SMITH. What significance, then, should be attached to the new building of the Interior Department, which is honeycombed with bathtubs and all the latest accompaniments of the "60 families" to which the Secretary of the Interior refers?

Mr. BAILEY. Very clearly, they are all guilty.

I have never been admitted to the privacy of that gorgeous Department. I have rarely been allowed to go in and out there. Intimations were made, you know, which made a gentlemanly man a little reluctant to expose himself. When favors are denied us in advance, in the interest of our own self-respect, we are wise not to ask for them. When we are notified that we are to be excluded and punished, the thing to do is to avoid the opportunity of exclusion and punishment. But I have heard—and I make this statement with a very great deal of reluctance; I would not care to impeach the Secretary of the Interior with the suggestion that he bathes; I would not go that far, in view of what his book says about this subject—I read in the newspaper, and I will state, as the lawyers say, on information and belief, that when his office down here was built he required, in addition to all the other palatial accoutrements, that he should have a private bath, and it should be in blue marble, and finished in gilt. I have heard men who were admitted to those sacred precincts say that Mr. Gibbons' description of the luxuries of Caligula and Nero faded into insignificance in the presence of that great reality; but I am not saying that Mr. Ickes ever bathes. I would not do that. I would not strike below the belt. [Laughter.] I want to be fair about it. I am not going to say that he ever washes his hands. As for getting in a bathtub and listening to a radio, I would not say that. [Laughter.] I would not go that far even with a renegade Republican who has become a sort of half-way Democrat. I would not do that.

But there you are, Mr. President; there you are. Here is the source book, this thing handed out by a Cabinet officer to the American people as if there were some authority or some substance about it, and all the country stirred up. Well, I am not going to get stirred up about it.

I am going into the book a little further. There is a great deal in it; and I think I have sufficiently warned my fellow Senators on this business of bathing under the New Deal. [Laughter.] Above all things, do not bathe. If you bathe, you are guilty. It evidences a feeling of subconscious guilt; and I understand that one of the most awful feelings in the world is to feel subconsciously guilty. You know, just to be guilty is all right; but when you are subconsciously guilty, it is just working in your "innards" all the time, and you go about washing on all occasions.

I think that was the trouble with Lady Macbeth. You know, she was all the time washing her hands. Do you remember that? Well, the same thing is true now. If you wash your hands, you have Lady Macbeth's trouble.

I am a little bit overcome with this discovery. I do not know what we are going to do about it. I think we ought to refer it to the plumbers and the soap dealers. It is going to hurt them very badly. Perhaps they must all go on relief.

I notice that one of the great soap men was a large contributor to our party. I take it we shall have a protest from him in due season. This disclosure about washing being evidence that you are guilty is going to ruin the soap business. However, we can account for that. We can get contributions, I suppose, from the folks who do not wash, and then we shall be all right—from the great unwashed democracy. [Laughter.]

Do not sell "soap." It is against public policy. Let us be like the Russians! Senators have heard about that, have they not? The people in Russia do not wash. That is probably the explanation. Instead of washing themselves in Russia they just use a smelling thing to put on themselves [laughter], a sort of countersmelling thing, if Senators get the idea—perfume. They call it perfume. Go over to Russia and come back and tell me whether you call it perfume or not. That will be another matter.

Mr. SMITH. A deodorant.

Mr. BAILEY. I do not know that they have gotten far enough along to call it a deodorant. It is not a disinfectant. All I am saying is that they have something over there that is a substitute for bathing; and I think we ought to send a commission over there, with Mr. Ickes at the head of it, and learn how to do that job. If washing is evidence of guilt, I should like to find some way to get out of washing and then go around amongst my fellow men; and I will do it if the balance of my colleagues will. I would not lay down any rule now that would bring a fellow Senator into guilt by taking any advantage of him. I think we have reached the time when we must beware how we wash our hands, and I am going to suggest that hereafter whenever Senators wash their hands they do it in secret; but if they ever get into a bathtub, never let it be known—of all things, do not let Mr. Ickes know it. This is his source book. He will find you guilty right then.

I shall proceed about this most remarkable book. It says that if a man gives away any money for the endowment of a college he is guilty also.

Should any gift whatever its nature be considered a benefaction to humanity?

"Any gift, whatever its nature." This is Mr. Lundberg's book; this is Mr. Ickes' bible; this is the source of his inspiration.

"Should any gift." If one gives a beggar 5 cents, or the Democratic Party \$5, or contributes \$100 to the Jackson Day dinner, he should ask himself this question:

Should any gift, whatever its nature, be considered a benefaction to humanity? To argue that it should would leave one's self open to crushing rejoinders.

Now, mind how you give away anything, fellow Senators, under this new regime. According to Mr. Ickes' bible, if you give anyone anything, if you make a gift, you lay yourself open to a crushing rejoinder. It is not just an ordinary rejoinder. One might say something and get away with it, but if you ever give away anything now you will be crushed. I am not making this up. It is in the book.

Rockefeller, in all his miscellaneous "giving"—

And he puts "giving" in quotation marks, and I hope the reporter will also put it in quotation marks—

was not really giving at all. He was buying.

One can purchase a good many friendly observations for \$1,000,000; patents of nobility have been acquired for much less. For \$18,000,000 one can very nearly purchase sainthood.

Now the prices are all arranged for patents of nobility and sainthood, and everything of that sort. Just beware hereafter if you ever give away any money; you are buying somebody; you are not giving anything; you are just buying. That is a great point. I think if that is the case there would be a great distribution here very soon. That may be the object of this great article. I take it we may buy Democratic convention books and escape other condemnation.

Taking that a little seriously, what sort of mind could it be out of which paragraphs like that come? I would not indict Mr. Lundberg. I do not know a thing about him. He may never have washed in his life. I would not say he ever washed. I would not say Mr. Lundberg ever gave away anything in his life. In view of his book I do not think he ever washed or ever gave anything away. That is what we call inductive reasoning. I am not going to be too certain about it. I would not be dogmatic about Mr. Lundberg; I do not know him. Whether he washes or uses Russian powders as a counterirritant or counterdeodorant I do not know, but I do know that here is the Secretary of the Interior of the United States, a great and noble figure in the world—oh, my soul, on that great pedestal down there—and this is his book. This is the book out of which he got that speech; and I think very fortunately he disgusted the whole country, I will say in passing. It interested us very much. And here is the source of it.

I should like to know what we are going to say about a man who says that if Mr. Carnegie endows a library in Washington and leaves a fund to endow it for a thousand

years after his death, Mr. Carnegie is not really benevolent, he is just buying something; that if Mr. Rockefeller creates an educational foundation, under which, I believe, \$350,000,000 has been distributed—just think of it!—he was not giving away anything, he was just buying something. Mr. Rockefeller, after living nearly a hundred years, died, and his beneficence goes on. This endowment is unimpaired, notwithstanding the fact they have spent \$350,000,000. The old man is dead and in his grave, but he is still "buying" something. He was not giving anything away; there was not any benevolence.

Mr. Rockefeller also created the great medical foundation. Senators who read *An American Doctor's Odyssey* realize that that foundation has coped with disease throughout the world, wherever there was suffering, wherever there was a plague, wherever poor people were stricken with one affliction or another. If they had to combat yellow fever, or the smallpox, or typhoid fever, or hookworm, or if little children had diphtheria, this fund was working to combat the disease and save lives. This American doctor writing his *odyssey*—and it is really an *odyssey*, too, as he was everywhere, all over the world—tells a marvelous story of the preventive power of sanitation, and the healing power of curative medicine, all under this foundation. But we understand now from Mr. Ickes' bible that it was not a benefaction to humanity at all; oh, no, no benefaction to humanity.

I raise the question, What sort of mind is it that produces that sort of stuff and what sort of mind is it that gives currency to it? What sort of mind is it that gets inspiration out of a book like that? I will leave that just where it is. It is an astonishing thing to find that sort of mind in the Cabinet!

Mr. President, we have a free press in America, and I am glad of it. I wish to God we had a foolproof world; we would be still better off.

I am not through with the book. He says William Jennings Bryan got money. Bryan is dead. He raises a question as to the genuineness of Mr. Bryan's liberalism on the ground that he did get money from campaign contributors when he ran for office.

He says that Woodrow Wilson was the beneficiary of the money of the rich; and he mentions a man named Dodge, I believe. He insinuates that Woodrow Wilson deviated from the path of honor and public service because he did accept that money in a campaign.

He refers to Walter Page, of North Carolina, whose body is sleeping down in the old country churchyard with his fathers, a name honored the world over, known to me when I was a young man, and an inspiration to me, too; as noble and true a man as ever breathed the breath of life. He says he got money.

What are we to do with a vulture like that? There are animals in the world, and classifications and grades. There is the hawk, cruel and selfish. There is the eagle, like him. There is the lion, which leaps on its prey in the dead of night. There is the tiger, which stalks up on his quarry. We make some allowance for them. There is only one animal of which the world has utter horror, and that is the hyena. He feeds in the graves.

What are we to do with a mind like this? What are we to do with a Secretary of the Interior who responds to a mind like that and publishes to the world that he got his inspiration and his information from this book?

This man attacks our party. He says we got a lot of money, and prints here a list of the people who contributed. I will not mention them all, but here is the name of William Randolph Hearst. He says that Mr. William Randolph Hearst gave us \$25,000 and that Mr. Percy Straus gave us \$30,000. I do not know whether he is the man in the Housing Administration or not. I see Senators shake their heads, so I assume he is not the one.

Here is the name of William H. Woodin, who was our Secretary of the Treasury, and who is dead. He put down after his name, "American Car & Foundry Corporation." He gave us \$35,000.

Here is the name of Mr. Joseph P. Kennedy, who was at the head of the Securities and Exchange Commission, then in the Maritime Commission, and is now our Ambassador to the Court of St. James. He gave us \$15,000. And so it goes on. All of that is imputed to us by way of corruption, and Mr. Secretary Ickes, the beneficiary of our party, vouches for the book.

There is a great deal in this, but I have sized the book up for Senators now. I do not know that I care to say any more about it. I think that if anyone will turn to page 417 and read the paragraph about the guilt of washing he will find that he is dealing with a man with a diseased mind, who thinks everyone is wrong, that everything is crooked, that everybody is corrupt, Wilson and Bryan and Page. There are insinuations all the way through. He implicates all the newspapers in the United States, "America's 60 families," "pecuniary journalists." He does not hesitate to attack all the big daily papers, and Time Magazine, Fortune Magazine, the Saturday Evening Post. They are all corrupt, all in the hands of the money power.

He does not spare the colleges and the universities. All of them are sold out, all of them are corrupt, all of them are dirty, all of them are filthy; we ought not to trust them; they should not be trusted in our civilization. They received endowments, but the giving was not giving; it was just buying. That is Mr. Ickes' book.

Sometimes I hear my friend the senior Senator from South Carolina [Mr. SMITH] exclaim in almost hopeless futility, "What on earth are we coming to?" Here is what we have gotten to. We know where we are now.

If I should go on all the way through the book, Senators would be amazed to see the matters contained in it. Here is a chapter, The Journalism of Pecuniary Inhibition. Here is another, Intrigue and Scandal. Here is one, The Politics of Pecuniary Aggrandizement. Here is one, Golden Dynasties and Their Treasures. All I have to say about it is one word, and that is that if the book of last year, The Nine Old Men, received the first prize for 1936 as a muckraking production, this book has surpassed it. This should receive the prize not only for 1937 and 1938, but I am willing to give it the prize for all time. It is the prize muckraking production of my generation and, I hope, for all the generations that are to come. But I am saying that with respect to the speech of Mr. Ickes, in which he undertook to raise class against class in this country and stir up the great deeps of people's prejudices and feelings, break down the business structure, and destroy our faith in what we are trying to do, Mr. Ickes himself gave evidence that the inspiration of his whole address was right here in this book.

Mr. President, I am now going to leave Mr. Ickes right there. If he chooses to get his information from a book such as that, there is no help for it. Just let him go ahead and do it. We should not pay any more attention to a man who gets his inspiration from such a book than we would to the man who wrote it. Sometimes we have to protest. Sometimes things have to be exposed. It is a disagreeable task, to be sure. But we cannot stand here and let a Cabinet officer proclaim this book as an authority without showing the interior evidence that it comes from a diseased mind.

Let us now take a look at him for a minute. It is written that the noblest and the best of beings who ever walked the earth, when talking to the Scribes and Pharisees who were visiting their judgments upon their fellow men, said:

For with what judgment ye judge, ye shall be judged; and with what measure ye mete, it shall be measured to you again.

I will measure the author of that book and those who "fall for it" by the judgment that the book itself metes. According to that book, no one is right, no one is straight, no one is above corruption, everything is rotten. That is the idea. The author even carries it to the point that if the other fellow should bathe in a bathtub, it is an evidence of subconscious guilt.

I think we ought to go down, I will say to the Senate, and take the bathtub out of Mr. Postmaster General Farley's office. I understand he has a fine, beautiful bathtub. I

have never seen it. We ought to remove the badge of his guilt. And we should take the bathtub out of Mr. Secretary Ickes' office and the one out of Mr. Secretary of Commerce Roper's office. I have heard that he had a private elevator and a—I hate to say it, but perhaps he has just a wash basin. I do not know whether or not he has a bathtub. I do not wish to prefer any serious charges against my fellow men; I do not wish to go too far; but I do not know but that the time is coming when the Senate ought to appoint a committee to see who has washed and who has not, and who has bathtubs. I do not think we ought to be parties to appropriations for bathtubs in view of the fact that if you get in one you are guilty. We ought not expose our Cabinet officers to temptation. You are not only guilty outwardly, but you are guilty in here—in your heart—you have a subconscious guilt. As I said just now, that is a terrible thing. Senators know that it is worse for man to be walking around the world with a subconscious guilt in his soul than to be in the penitentiary. [Laughter.] Of course it is. I should just as well be guilty and condemned, and wear stripes, as to be subconsciously guilty. I know a man who committed suicide because he was subconsciously guilty. I never heard of one bathe on that account.

Mr. President, I do not know that I will say anything more about this book. There is a great deal to say, but I doubt if it is worth a man's preserving. It ought to be thrown on the trash heap. Think of a man of the foulest mind, with all those suspicions, giving it to his children and exposing his children to it in his house. Well, that is what is done. It came from garbage and it is garbage—that is where it goes. That is all it is.

I have no complaint against a garbage collector. I think a man who collects garbage or cleans out sewers by way of making a living—if that is the best he can do for a livelihood—is to be just as much honored as a man as is the President of the United States, or a Cabinet officer, or a Senator. I can take off my hat to the humblest man who does the humblest job on earth. He is a man. But when a man deliberately chooses to create garbage and sell it for money he has gone a little bit lower than the stuff in the sewer itself. There are degrees in animals, as I said just now, and there are degrees in lies. A man who lies in self-defense may have some excuse. Senators may think I am wrong about that, but that is not wrong. The law of our country is that if I am guilty of murder the court will plead me not guilty. It will not permit me to come in there and say I am guilty. The court will plead me not guilty. It does not mean to lie, but it means to say I am entitled to a defense.

I would say that a man who lied to save a life might have some sort of forgiveness or condonation, at any rate, but a man who lies for money is the lowest form of liar. A man who writes a lying book and spreads lies to make money is the lowest form of liar. The inducement arises within himself. It is not a temptation. It is his own self-inducement. The man who lies about his fellow men for money, whether they be in office or not, and the politician who lies about his rival in order to obtain office are the lowest forms of liars.

The most charitable thing that can be said about men who for money write such books as that and spread such dirt as that is that their minds are diseased. That is a forgiveness. But if in their own minds they knew what they were doing, then they are the lowest of all men.

I might say about the book what the New York Times has printed in an editorial in the second column of today's issue, Friday, January 14, in which it says that this book does not even tell the truth about the statistical facts. I think I will just save my time by having the editorial put in the RECORD. I have said enough about that book. I will just send this editorial to the desk and ask that it be printed in the RECORD. The editorial is entitled "The Sixty-Headed Hydra." I ask that it be printed in the RECORD, not necessarily that Senators have to know about these things, but let us hope and pray that Mr. Ickes will read it and find out that the author of the book not only filled him full of stuff that any man, however weak and however crazy, might have resisted, however parti-

san and however blind might have discovered, but he also told him a whole lot of things that were so absolutely untruthful that if he had looked up the facts, as he said—and this book was presented as well documented and well authenticated—he could not have made those statements.

I ask that the editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times of January 14, 1938]

THE SIXTY-HEADED HYDRA

Considering the obvious indebtedness of Messrs. Ickes and Jackson to America's 60 Families, by Ferdinand Lundberg, it is instructive to read the inquiry into the accuracy of that book published in the current issue of the *Annalist*. The article confines itself to various statements in the volume that can be checked by reference to public records or official figures.

The article finds that the so-called 60 families are a fluid and changing number, as Mr. Lundberg considers them, standing at 75, 150, even 500, as the argument requires, and comprising on one occasion 6,000 adults, and on another everyone with income of \$100,000 or more.

Mr. Lundberg estimates the wealth of his 60 families to be \$3,028,200,000. He arrives at this from the 1924 income-tax figures, which he uses as a basis for determining the net income of each family. The net income is then capitalized at 5 percent (that is, multiplied by 20), the result supposedly representing the value of such property as actually yields income. This result is then multiplied again by three in order to produce what Mr. Lundberg calls the "gross adjusted income."

This, of course, is a fantastic process. It is a pure assumption that income-producing property is worth 20 times its yield, or that all the income had property for its source. Income from salary or sale of assets represents no capitalizable property. (A man with an income of \$5,000 from salary, for example, is not thereby "worth" \$100,000.) The *Annalist* article, by citing the sources of net income of the 75 persons reporting net incomes of \$1,000,000 or more in 1924, as revealed in the income-tax reports, shows how far astray Mr. Lundberg's assumptions are.

On page 143, Mr. Lundberg states: "By the close of 1916, stock-exchange prices had risen 600 percent over the 1914 average." The *Annalist* article asserts that according to the Dow-Jones index of the average price of industrial stocks, however, the increase from the 1914 low points to the end of 1916 was not 600 but 100 percent; according to the Times average of 50 stocks, only 80 percent; according to the Standard Statistics average of 90 stocks, only 30 percent.

The statement is made on page 368 that Andrew Mellon, by giving his \$50,000 art collection to the Government, paid \$32,362,000 to his estate, since a tax of that amount would have been payable on it had it gone instead to his family. The *Annalist* article points out that if the collection was worth \$50,000,000, his family would appear, according to normal arithmetic, to have lost \$17,638,000 through this gift, rather than have gained \$32,362,000.

These few examples picked from the citations in the *Annalist* may give some indication of the fairness and accuracy of the book as a whole. Yet it is from such a source that men in high office recently derived their lurid picture of an America strangled by a 60-headed hydra.

Mr. BAILEY. Mr. President, that is the situation. That is what is going on in our land of liberty. I would not stop it. I believe in the freedom of the press, but I think that when such a book is quoted with favor it is incumbent upon someone to rise here and tell the truth about it, and let the facts be known, and warn the American people. I will just say to them if they want to fill their minds full of lies, they can do it, just as Mr. Ickes did when he read that book. I would not say that he did it deliberately. I think the trouble with Mr. Ickes that day was that he had forgotten to wash before he read the book. I think that if he had taken one good bath the book would not have had any influence on him at all.

That is enough for the book. Let us turn now to a more agreeable consideration. Let us go back across the years to a great man; let us sit at the feet of a noble spirit; let us clear the air of all our partisan confusion; let us dismiss from our minds little partisan and personal and political considerations; let us sit at the feet of a great patriot and a great American, a man who came from down there—and I will be courteous about it—from North Carolina and South Carolina, and all the better for coming from them both; who grew up there in my State and practiced law there. Such a man as he was then—no one knew that he was ever going to be the great man he came to be. He was a great spirit, though, even as a young man. He went to Tennes-

see and received a larger recognition there. Then he took that whole southern territory for his domain, became a national hero, and, as President, became a great American figure.

Mr. President, his home is no longer North Carolina or South Carolina or Tennessee or the South. His home is in the hearts of all Americans, and always will be so long as this is a good Republic. Let us sit at his feet. Let us hear, not my poor voice but the solemn words of the founder of the Democratic Party, the President of the United States for 8 years, the great exemplar of good citizenship and wise official conduct in our land. Let us hear him as he says farewell to the people who had made him what he was, from whom he had drawn his inspiration, and whom he had served as very few in this world have ever served. Let us hear him as he tells us that his race is nearly run, and all the worldly temptations and inducements have left his mind, when he has nothing to look forward to save the accounting he has to give the Creator from whom he came. Let us hear Andrew Jackson in the most solemn words of his great life:

FAREWELL ADDRESS, MARCH 3, 1837

FELLOW CITIZENS: Being about to retire finally from public life, I beg leave to offer you my grateful thanks for the many proofs of kindness and confidence which I have received at your hands. It has been my fortune, in the discharge of public duties, civil and military, frequently to have found myself in difficult and trying situations, where prompt decision and energetic action were necessary, and where the interest of the country required that high responsibilities should be fearlessly encountered; and it is with the deepest emotions of gratitude that I acknowledge the continued and unbroken confidence with which you have sustained me in every trial. My public life has been a long one, and I cannot hope that it has at all times been free from errors. But I have the consolation of knowing that if mistakes have been committed, they have not seriously injured the country I so anxiously endeavored to serve; and at the moment when I surrender my last public trust, I leave this great people prosperous and happy; in the full enjoyment of liberty and peace; and honored and respected by every nation in the world.

If my humble efforts have, in any degree, contributed to preserve to you these blessings, I have been more than rewarded by the honors you have heaped upon me, and, above all, by the generous confidence with which you have supported me in every peril, and with which you have continued to animate and cheer my path to the closing hour of my political life. The time has now come when advanced age and a broken frame warn me to retire from public concerns, but the recollection of the many favors you have bestowed upon me is engraven upon my heart, and I have felt that I could not part from your service without making this public acknowledgment of the gratitude I owe you; and if I use the occasion to offer to you the counsels of age and experience, you will, I trust, receive them with the same indulgent kindness which you have so often extended to me, and will, at least, see in them an earnest desire to perpetuate, in this favored land, the blessings of liberty and equal laws.

We have now lived almost 50 years under the Constitution framed by the sages and patriots of the Revolution. The conflicts in which the nations of Europe were engaged during a great part of this period; the spirit in which they waged war against each other; and our intimate commercial connections with every part of the civilized world rendered it a time of much difficulty for the Government of the United States. We have had our seasons of peace and of war, with all the evils which precede or follow a state of hostility with powerful nations. We encountered these trials with our Constitution yet in its infancy, and under the disadvantages which a new and untried government must always feel, when it is called upon to put forth its whole strength, without the lights of experience to guide it, or the weight of precedents to justify its measures. But we have passed triumphantly through all these difficulties. Our Constitution is no longer a doubtful experiment, and at the end of nearly half a century we find that it has preserved unimpaired the liberties of the people, secured the rights of property, and that our country has improved and is flourishing beyond any former example in the history of nations.

In our domestic concerns, there is everything to encourage us; and if you are true to yourselves, nothing can impede your march to the highest point of national prosperity. The States which had so long been retarded in their improvements by the Indian tribes residing in the midst of them, are at length relieved from the evil; and this unhappy race—the original dwellers in our land—are now placed in a situation where we may well hope that they will share in the blessings of civilization, and be saved from the degradation and destruction to which they were rapidly hastening while they remained in the States; and while the safety and comfort of our own citizens have been greatly promoted by their removal, the philanthropist will rejoice that the remnant of this ill-fated race has been at length placed beyond the reach of injury or oppression, and that the paternal case of the General Government will hereafter watch over them and protect them.

If we turn to our relations with foreign powers, we find our condition equally gratifying. Actuated by the sincere desire to do justice to every nation, and to preserve the blessings of peace, our intercourse with them has been conducted on the part of this Government in the spirit of frankness, and I take pleasure in saying that it has generally been met in a corresponding temper. Difficulties of old standing have been surmounted by friendly discussion, and the mutual desire to be just; and the claims of our citizens, which had been long withheld, have at length been acknowledged and adjusted, and satisfactory arrangements made for their final payment; and with a limited, and I trust a temporary exception, our relations with every foreign power are now of the most friendly character—our commerce continually expanding and our flag respected in every quarter of the world.

These cheering and grateful prospects, and these multiplied favors, we owe, under Providence, to the adoption of the Federal Constitution. It is no longer a question whether this great country can remain happily united and flourish under our present form of government. Experience, the unerring test of all human undertakings, has shown the wisdom and foresight of those who formed it; and has proved that in the union of these States there is a sure foundation for the brightest hopes of freedom, and for the happiness of the people. At every hazard, and by every sacrifice, this Union must be preserved.

The necessity of watching with jealous anxiety for the preservation of the Union, was earnestly pressed upon his fellow citizens by the Father of his Country in his Farewell Address. He has there told us that "while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bonds"; and he has cautioned us in the strongest terms against the formation of parties on geographical discriminations, as one of the means which might disturb our Union, and to which designing men would be likely to resort.

The lessons contained in this invaluable legacy of Washington to his countrymen, should be cherished in the heart of every citizen to the latest generation; and, perhaps, at no period of time could they be more usefully remembered than at the present moment. For when we look upon the scenes that are passed around us, and dwell upon the pages of his parting address, his paternal counsels would seem to be, not merely the offspring of wisdom and foresight, but the voice of prophecy foretelling events and warning us of the evil to come. Forty years have passed since this imperishable document was given to his countrymen. The Federal Constitution was then regarded by him as an experiment—and he so speaks of it in his address—but an experiment upon the success of which the best hopes of his country depended, and we all know that he was prepared to lay down his life, if necessary, to secure to it a full and fair trial. The trial has been made. It has succeeded beyond the proudest hopes of those who framed it. Every quarter of this widely extended Nation has felt its blessings, and shared in the general prosperity produced by its adoption. But amid this general prosperity and splendid success, the dangers of which he warned us are becoming every day more evident, and the signs of evil are sufficiently apparent to awaken the deepest anxiety in the bosom of the patriot. We behold systematic efforts publicly made to sow the seeds of discord between different parts of the United States, and to place party divisions directly upon geographical distinctions; to excite the South against the North, and the North against the South, and to force into the controversy the most delicate and exciting topics upon which it is impossible that a large portion of the Union can ever speak without strong emotions. Appeals, too, are constantly made to sectional interests, in order to influence the election of the Chief Magistrate, as if it were desired that he should favor a particular quarter of the country, instead of fulfilling the duties of his station with impartial justice to all; and the possible dissolution of the Union has at length become an ordinary and familiar subject of discussion. Has the warning voice of Washington been forgotten? Or have designs already been formed to sever the Union? Let it not be supposed that I impute to all of those who have taken an active part in these unwise and unprofitable discussions, a want of patriotism or public virtue. The honorable feelings of State pride and local attachments find a place in the bosoms of the most enlightened and pure. But while such men are conscious of their own integrity and honesty of purpose, they ought never to forget that the citizens of other States are their political brethren; and that, however mistaken they may be in their views, the great body of them are equally honest and upright with themselves.

May I digress here to say that that is a message aimed directly at the issue here? Let me read it again:

The honorable feelings of State pride and local attachments find a place in the bosoms of the most enlightened and pure. But while such men are conscious of their own integrity and honesty of purpose they ought never to forget that the citizens of other States are their political brethren; and that, however mistaken they may be in their views, the great body of them are equally honest and upright with themselves. Mutual suspicion and reproaches may in time create mutual hostility, and artful and designing men will always be found who are ready to foment these fatal divisions and to inflame the natural jealousies of different sections of the country. The history of the world is full of such examples, and especially the history of republics.

What have you to gain by division and dissension? Delude not yourselves with the belief that a breach once made may be afterward repaired. If the Union is once severed the line of separation will grow wider and wider, and the controversies which are now debated and settled in the halls of legislation will then be tried in fields of battle and determined by the sword.

Prophetic words!

Neither should you deceive yourselves with the hope that the first line of separation would be the permanent one, and that nothing but harmony and concord would be found in the new associations formed upon the dissolution of the Union. Local interests would still be found there, and unchastened ambition. And if the recollection of common dangers, in which the people of these United States stood side by side against the common foe; the memory of victories won by their united valor; the prosperity and happiness they have enjoyed under the present Constitution; the proud name they bear as citizens of this great republic; if all these recollections and proofs of common interest are not strong enough to bind us together as one people, what tie will hold united the new divisions of empire when these bonds have been broken, and this Union dissevered? The first line of separation would not last for a single generation; new fragments would be torn off; new leaders would spring up; and this great and glorious Republic would soon be broken into a multitude of petty states, without commerce, without credit—jealous of one another—armed for mutual aggressions—loaded with taxes to pay armies and leaders—seeking aid against each other from foreign powers—insulted and trampled upon by the nations of Europe, until, harassed with conflicts and humbled and debased in spirit, they would be ready to submit to the absolute dominion of any military adventurer, and surrender their liberty for the sake of repose. It is impossible to look on the consequences that would inevitably follow the destruction of this Government, and not feel indignant when we hear cold calculations about the value of the Union, and have so constantly before us a line of conduct so well calculated to weaken its ties.

There is too much at stake to allow pride or passion to influence your decision. Never for a moment believe that the great body of the citizens of any State or States can deliberately intend to do wrong. They may, under the influence of temporary excitement or misguided opinions, commit mistakes—they may be misled for a time by the suggestions of self-interest; but in a community so enlightened and patriotic as the people of the United States, argument will soon make them sensible of their errors, and when convinced, they will be ready to repair them. If they have no higher or better motives to govern them, they will at least perceive that their own interest requires them to be just to others as they hope to receive justice at their hands.

But in order to maintain the Union unimpaired, it is absolutely necessary that the laws passed by the constituted authorities should be faithfully executed in every part of the country, and that every good citizen should, at all times stand ready to put down, with the combined force of the Nation, every attempt at unlawful resistance, under whatever pretext it may be made, or whatever shape it may assume.

And that is good doctrine for the sit-down strike and the riot. I wish Andrew Jackson had been here in spirit last spring when that sort of thing was going on.

Let me read it again:

But in order to maintain the Union unimpaired it is absolutely necessary that the laws passed by the constituted authorities should be faithfully executed in every part of the country, and that every good citizen should at all times stand ready to put down, with the combined force of the Nation, every attempt at unlawful resistance, under whatever pretext it may be made or whatever shape it may assume. Unconstitutional or oppressive laws may no doubt be passed by Congress, either from erroneous views or the want of due consideration; if they are within the reach of judicial authority—

Now, will the Senate hear me? I want to read this again; I wish the Senate to get it:

Unconstitutional or oppressive laws may no doubt be passed by Congress, either from erroneous views or the want of due consideration; if they are within reach of judicial authority the remedy is easy and peaceful; and if, from the character of the law, it is an abuse of power not within the control of the judiciary, then free discussion and calm appeals to reason and to the justice of the people will not fail to redress the wrong. But until the law shall be declared void by the courts, or repealed by Congress, no individual or combination of individuals can be justified in forcibly resisting its execution. It is impossible that any government can continue to exist upon any other principles. It would cease to be a government and be unworthy of the name, if it had not the power to enforce the execution of its own laws within its own sphere of action.

Andrew Jackson believed in the right and the power and the necessity of judicial review of acts of Congress. He is the father of our party. He bowed before the courts. He said the only way in which we could exert our feeble efforts

here was to be willing to submit our legislation to judicial review, and then to accept the decision of the courts.

It is true that cases may be imagined disclosing such a settled purpose of usurpation and oppression, on the part of the Government, as would justify an appeal to arms. These, however, are extreme cases, which we have no reason to apprehend in a Government where the power is in the hands of a patriotic people; and no citizen who loves his country would, in any case whatever, resort to forcible resistance, unless he clearly saw that the time had come when a freeman should prefer death to submission; for if such a struggle is once begun, and the citizens of one section of the country arrayed in arms against those of another, in doubtful conflict, let the battle result as it may, there will be an end of the Union, and with it an end of the hopes of freedom. The victory of the injured would not secure to them the blessings of liberty; it would avenge their wrongs, but they would themselves share in the common ruin.

But the Constitution cannot be maintained, nor the Union preserved, in opposition to public feeling, by the mere exertion of the coercive powers confided to the general Government. The foundations must be laid in the affections of the people; in the security it gives to life, liberty, character, and property, in every quarter of the country; and in the fraternal attachments which the citizens of the several States bear to one another, as members of one political family, mutually contributing to promote the happiness of each other.

Hear Andrew Jackson on this bill:

Hence the citizens of every State should studiously avoid everything calculated to wound the sensibility or offend the just pride of the people of other States; and they should frown upon any proceedings within their own borders likely to disturb the tranquillity of their political brethren in other portions of the Union. In a country so extensive as the United States, and with pursuits so varied, the internal regulations of the several States must frequently differ from one another in important particulars; and this difference is unavoidably increased by the varying principles upon which the American colonies were originally planted; principles which had taken deep root in their social relations before the Revolution, and therefore, of necessity, influencing their policy since they became free and independent States. But each State has the unquestionable right to regulate its own internal concerns according to its own pleasure; and while it does not interfere with the rights of the people of other States, or the rights of the Union, every State must be the sole judge of the measures proper to secure the safety of its citizens and promote their happiness—

Still speaking, 100 years ago, to the present moment in the Senate—

and all efforts on the part of the people of other States to cast odium upon their institutions, and all measures calculated to disturb their rights of property, or to put in jeopardy their peace and internal tranquillity, are in direct opposition to the spirit in which the Union was formed, and must endanger its safety. Motives of philanthropy may be assigned for this unwarrantable interference; and weak men may persuade themselves for a moment that they are laboring in the cause of humanity, and asserting the rights of the human race; but everyone, upon sober reflection, will see that nothing but mischief can come from these improper assaults upon the feelings and rights of others. Rest assured that the men found busy in this work of discord are not worthy of your confidence, and deserve your strongest reprobation.

In the legislation of Congress, also, and in every measure of the General Government, justice to every portion of the United States should be faithfully observed. No free government can stand without virtue in the people, and a lofty spirit of patriotism; and if the sordid feelings of mere selfishness shall usurp the place which ought to be filled with public spirit, the legislation of Congress will soon be converted into a scramble for personal and sectional advantages.

Prophetic Andrew Jackson, 100 years ago, speaking to the present moment:

Under our free institutions the citizens of every quarter of our country are capable of attaining a high degree of prosperity and happiness, without seeking to profit themselves at the expense of others; and every attempt must, in the end, fail to succeed, for the people in every part of the United States are too enlightened not to understand their own rights and interests, and to detect and defeat every effort to gain undue advantages over them, and when such designs are discovered, it naturally provokes resentments which cannot always be allayed. Justice, full and ample justice, to every portion of the United States, should be the ruling principle of every freeman, and should guide the deliberations of every public body, whether it be State or National.

It is well known that there have always been those amongst us who wish to enlarge the powers of the General Government—

Prophetic again!—

and experience would seem to indicate that there is a tendency on the part of this Government to overstep the boundaries marked out for it by the Constitution.

Prophetic again!

Its legitimate authority is abundantly sufficient for all the purposes for which it was created, and its powers being expressly

enumerated, there can be no justification for claiming anything beyond them.

Hear me! Andrew Jackson says there can be no justification for claiming anything beyond the powers laid down in the Constitution as it is.

Every attempt to exercise power beyond these limits should be promptly and firmly opposed. For one evil example will lead to other measures still more mischievous; and if the principle of constructive powers, or supposed advantages, or temporary circumstances, shall ever be permitted to justify the assumption of a power not given by the Constitution, the General Government will before long absorb all the powers of legislation, and you will have, in effect, but one consolidated government.

Prophetic again; 100 years and 10 months ago, speaking as directly and as appropriately to his country in this moment as he penned these final lines to the people he had served:

From the extent of our country, its diversified interests, different pursuits, and different habits, it is too obvious for argument that a single consolidated government would be wholly inadequate to watch over and protect its interests; and every friend of our free institutions should be always prepared to maintain unimpaired and in full vigor the rights and sovereignty of the States, and to confine the action of the General Government strictly to the sphere of its appropriate duties.

That is Andrew Jackson, the father of my party. That is Andrew Jackson, at whose feet we were supposed to sit one night this week, in whose name we—not myself—were paying \$100 to eat dinner. Here is Andrew Jackson. The next time we have a Jackson Day dinner in Washington, I would give not merely \$100 but \$1,000 for leave to read his address to those assembled there; and it would be worth unlimited, inconceivable funds, and inconceivable values other than funds, to our party and to all the American people.

There is, perhaps, no one of the powers conferred on the Federal Government so liable to abuse as the taxing power.

Prophetic again!

The most productive and convenient sources of revenue were necessarily given to it, that it might be able to perform the important duties imposed upon it; and the taxes which it lays upon commerce being concealed from the real payer in the price of the article—

Hear it!—

and the taxes which it lays upon commerce being concealed from the real payer in the price of the article—

Absolutely true; we take it from their pockets when they know it not—

they do not so readily attract the attention of the people as smaller sums demanded from them directly by the tax gatherer.

The American people hate direct taxes, and we cannot impose them. They would drive us out of office if we did; and they put the Congress, they put those who conduct the Government, in the position of taking taxes from them without their knowing it. Nobody doubts that.

But the tax imposed on goods enhances by so much the price of the commodity to the consumer; and as many of these duties are imposed on articles of necessity which are daily used by the great body of the people, the money raised by these imposts is drawn from their pockets. Congress has no right under the Constitution to take money from the people unless it is required to execute some one of the specific powers entrusted to the Government; and if they raise more than is necessary for such purposes, it is an abuse of the power of taxation, and unjust and oppressive. It may, indeed, happen that the revenue will sometimes exceed the amount anticipated when the taxes were laid. When, however, this is ascertained, it is easy to reduce them; and, in such a case, it is unquestionably the duty of the Government to reduce them, for no circumstances can justify it in assuming a power not given to it by the Constitution, nor in taking away the money of the people when it is not needed for the legitimate wants of the Government.

Plain as these principles appear to be, you will yet find that there is a constant effort to induce the General Government to go beyond the limits of its taxing power, and to impose unnecessary burdens upon the people.

Prophetic again!

Many powerful interests are continually at work to procure heavy duties on commerce, and to swell the revenue beyond the real necessities of the public service; and the country has already felt the injurious effects of their combined influence. They succeeded in obtaining a tariff of duties bearing most oppressively on the agricultural and laboring classes of society, and producing a revenue

that could not be usefully employed within the range of the powers conferred upon Congress; and, in order to fasten upon the people this unjust and unequal system of taxation, extravagant schemes of internal improvement were got up in various quarters to squander the money and to purchase support.

Spend on the one hand, and everybody likes it, and all forget it means taxes on the other hand.

Thus, one unconstitutional measure was intended to be upheld by another, and the abuse of the power of taxation was to be maintained by usurping the power of expending the money in internal improvements. You cannot have forgotten the severe and doubtful struggle through which we passed when the executive department of the Government, by its veto, endeavored to arrest the prodigal scheme of injustice and to bring back the legislation of Congress to the boundaries prescribed by the Constitution. The good sense and practical judgment of the people, when the subject was brought before them, sustained the course of the Executive, and this plan of unconstitutional expenditure for the purposes of corrupt influence is, I trust, finally overthrown.

He was not prophetic in this. He was prophetic in many things, but not prophetic in this statement. I hope those who hear me get the point of the great founder of our party. Internal improvements are put forward for the purpose of increasing taxes. The Federal Government is committed to the spending policy by men who wish to have the taxes go up. Taxes take in an indirect way from the things the people eat, from the labor they pour out, from their struggles to make a living, and they know nothing about it.

The result of this decision has been felt in the rapid extinguishment of the public debt.

I see Senators smiling. This is Andrew Jackson speaking:

The result of this decision has been felt in the rapid extinguishment of the public debt and the large accumulation of a surplus in the Treasury.

I take it that if I had read this down at the Jackson Day dinner the other evening there would have been some trouble. [Laughter.] I will read it again:

The result of this decision has been felt in the rapid extinguishment of the public debt and the large accumulation of a surplus in the Treasury.

That was a hundred years ago. I hope that in another hundred years we can say the same thing about our country.

Notwithstanding the tariff was reduced, and is now far below the amount originally contemplated by its advocates. But, rely upon it, the design to collect an extravagant revenue and to burden you with taxes beyond the economical wants of the Government is not yet abandoned.

He was prophetic in this.

The various interests which have combined together to impose a heavy tariff and to produce an overflowing Treasury are too strong and have too much at stake to surrender the contest. The corporations and wealthy individuals who are engaged in large manufacturing establishments desire a high tariff to increase their gains. Designing politicians will support it, to conciliate their favor, and to obtain the means of profuse expenditure, for the purpose of purchasing influence in other quarters—

Andrew did not mind telling them the truth, but he put on the soft pedal there when he said, "for the purpose of purchasing influence in other quarters." We would now know what he meant—

and since the people have decided that the Federal Government cannot be permitted to employ its income in internal improvements efforts will be made to seduce and mislead the citizens of the several States by holding out to them the deceitful prospect of benefits to be derived from a surplus revenue collected by the General Government and annually divided among the States.

This we have been doing for the past 4 years, to such an extent that I sometimes think we have bought at least a dozen of the American States once a year for several years. Make the calculation. We know what the tax value is in those States. I know what the tax value is in my State. I know how much money has been spent. It would pay us, if we could do it, to have a compromise with them in the matter of the tax value of the States for the next 5 years, on the condition that they would not call on us for any more—

And if encouraged by these fallacious hopes the States should disregard the principles of economy which ought to characterize every republican government, and should indulge in lavish expenditures exceeding their resources, they will before long find themselves oppressed with debts which they are unable to pay;

and the temptation will become irresistible to support a high tariff in order to obtain a surplus distribution. Do not allow yourselves, my fellow citizens, to be misled on this subject. The Federal Government cannot collect a surplus for such purposes without violating the principles of the Constitution and assuming powers which have not been granted. It is, moreover, a system of injustice and, if persisted in, will inevitably lead to corruption and must end in ruin. The surplus revenue will be drawn from the pockets of the people—from the farmer, the mechanic, and the laboring classes of society; but who will receive it when distributed among the States, where it is to be disposed of by leading State politicians who have friends to favor and political partisans to gratify?

This is in the form of an interrogation, but he is prophetic again.

It will certainly not be returned to those who paid it and who have most need of it and are honestly entitled to it. There is but one safe rule, and that is to confine the General Government rigidly within the sphere of its appropriate duties. It has no power to raise a revenue or impose taxes except for the purposes enumerated in the Constitution, and if its income is found to exceed these wants it should be forthwith reduced and the burdens of the people so far lightened.

Let me pause in the reading to say that Andrew Jackson was under no delusions about the spending policy. He knew that spending meant taxes, and he knew that taxes meant oppression, and he knew that the taxes did not mean oppression of the rich. Taxes do not mean oppression for the corporations. Taxes have always been, are now, and always will be, the means of oppressing the poor, and it cannot be avoided. Yet it is spread abroad all over the country that the Government is getting a lot of money and distributing it and that the poor people are getting the benefit of it. The poor people are bearing the burden of it, and they always will.

I will give one illustration, which I have so often given on the stump in North Carolina. People come to me and say, "Why not tax the power company?" I say, "All right; I am perfectly willing to tax the power company." There are lights burning in all the homes. The power company has a big revenue. We read that they are making millions of dollars.

They ask us to tax the power companies. Who really pays the tax when the power company is taxed? The power company never paid a tax out of its capital in its life. If it did so long it would not have any capital, it could not go on. The power company always imposes the tax on the light consumed in the home of the little man. It pays the check, but the check is made up of funds taken from the people who sit around in the little home and listen to the radio and read the paper. They pay the power company. It cannot be any other way. If the power company paid it, it would have to pay it out of its capital, and its capital would be exhausted in about 5 years. They are paying at the rate of about 20 percent a year.

Let us consider what happens in the case of a pack of cigarettes. I do not know how much is paid in taxes by the Reynolds Co. in my State, who manufacture cigarettes like those I exhibit to the Senate, but I would not be surprised if the record showed that they pay \$100,000,000 in taxes on these cigarettes. The collections of revenue in North Carolina on cigarette packages amount to somewhere around \$275,000,000 a year. Who pays the tax? The man who buys the cigarettes pays the tax. The cigarettes are sold by the Reynolds Co. at the rate of \$5.50 a thousand; then the tax is imposed of \$6 a thousand, and that brings the price to \$11.50, and when I bought the package I had to pay 15 cents a pack instead of 11½ cents. Who pays the tax? The man who consumes the cigarettes pays the tax, and the farmer who produces the tobacco pays part of it. Andrew Jackson knew that. If the American people but knew it, we would have an end of a lot of extravagance now going on, and a lot of fiscal folly. We would balance the Budget; we would reduce taxes; we would quit throwing money around; we would abandon the folly of believing that by spending money we could save the country. By saving money we can save the country. I read further:

In reviewing the conflicts which have taken place between different interests in the United States, and the policy pursued since the adoption of our present form of government, we find nothing

that has produced such deep-seated evil as the course of legislation in relation to the currency.

Now let us hear what Andrew said about the currency.

The Constitution of the United States unquestionably intended to secure the people a circulating medium of gold and silver. But the establishment of a national bank by Congress, with the privilege of issuing paper money receivable in payment of the public dues, and the unfortunate cause of legislation in the several States upon the same subject, drove from general circulation the constitutional currency, and substituted one of paper in its place.

We are in that situation again. No one has any gold or silver now; all the money is paper.

It was not easy for men engaged in the ordinary pursuits of business, whose attention had not been particularly drawn to the subject, to foresee all the consequences of a currency exclusively of paper; and we ought not, on that account, to be surprised at the facility with which laws were obtained to carry into effect the paper system. Honest, and even enlightened men, are sometimes misled by the specious and plausible statements of the designing. But experience has now proved the mischiefs and dangers of a paper currency, and it rests with you to determine whether the proper remedy shall be applied.

The paper system being founded on public confidence, and having of itself no intrinsic value, it is liable to great and sudden fluctuations, thereby rendering property insecure and the wages of labor unsteady and uncertain.

I wish to read that again, because of the widespread talk in America now about setting the printing presses going, having some inflation and printing some money.

The paper system being founded on public confidence, and having of itself no intrinsic value, it is liable to great and sudden fluctuations, thereby rendering property insecure, and the wages of labor unsteady and uncertain. The corporations which create the paper money cannot be relied upon to keep the circulating medium uniform in amount. In times of prosperity, when confidence is high, they are tempted by the prospect of gain, or by the influence of those who hope to profit by it, to extend their issues of paper beyond the bounds of discretion and the reasonable demands of business. And when these issues have been pushed on from day to day, until public confidence is at length shaken, then a reaction takes place, and they immediately withdraw the credits they have given suddenly curtail their issues, and produce an unexpected and ruinous contraction of the circulating medium, which is felt by the whole community. The banks by this means save themselves, and the mischievous consequences of their imprudence or cupidity are visited upon the public. Nor does the evil stop here.

These ebbs and flows of the currency and these indiscreet extensions of credit naturally engender a spirit of speculation injurious to the habits and character of the people. We have already seen its effects in the wild spirit of speculation in the public lands and various kinds of stock which within the last year or two seized upon such a multitude of our citizens and threatened to pervade all classes of society and to withdraw their attention from the sober pursuits of honest industry. It is not by encouraging this spirit that we shall preserve public virtue and promote the true interests of our country. But if your currency continues as exclusively paper as it now is it will foster this eager desire to amass wealth without labor; it will multiply the number of dependents on bank accommodations and bank favors; the temptation to obtain money at any sacrifice will become stronger and stronger and inevitably lead to corruption which will find its way into your public councils and destroy at no distant day the purity of your government. Some of the evils which arise from this system of paper press with peculiar hardship upon the class of society least able to bear it. A portion of this currency frequently becomes depreciated or worthless and all of it is easily counterfeited, in such a manner as to require peculiar skill and much experience to distinguish the counterfeit from the genuine notes.

These frauds are most generally perpetrated in the smaller notes which are used in the daily transactions of ordinary business; and the losses occasioned by them are commonly thrown upon the laboring classes of society, whose situation and pursuits put it out of their power to guard themselves from these impositions, and whose daily wages are necessary for their subsistence. It is the duty of every government so to regulate its currency as to protect this numerous class, as far as practicable, from the impositions of avarice and fraud. It is more especially the duty of the United States, where the government is emphatically the government of the people, and where this respectable portion of our citizens are so proudly distinguished from the laboring classes of all other nations by their independent spirit, their love of liberty, their intelligence, and their high tone of moral character. Their industry in peace is the source of our wealth—their bravery in war has covered us with glory; and the Government of the United States will but ill discharge its duties if it leaves them a prey to such dishonest impositions. Yet it is evident that their interests cannot be effectually protected unless silver and gold are restored to circulation.

Prophetic again.

These views alone of the paper currency are sufficient to call for immediate reform; but there is another consideration which should still more strongly press it upon your attention.

Recent events have proved that the paper-money system of this country may be used as an engine to undermine your free institutions; and that those who desire to engross all power in the hands of the few, and to govern by corruption or force, are aware of its power and prepared to employ it. Your banks now furnish your only circulating medium, and money is plenty or scarce, according to the quantity of notes issued by them. While they have capitals not greatly disproportionate to each other, they are competitors in business, and no one of them can exercise dominion over the rest; and although, in the present state of the currency, these banks may and do operate injuriously upon the habits of business, the pecuniary concerns, and the moral tone of society; yet, from their number and dispersed situation, they cannot combine for the purposes of political influence; and whatever may be the dispositions of some of them, their power of mischief must necessarily be confined to a narrow space and felt only in their immediate neighborhoods.

But when the charter for the Bank of the United States was obtained from Congress, it perfected the schemes of the paper system and gave to its advocates the position they have struggled to obtain from the commencement of the Federal Government down to the present hour. The immense capital and peculiar privileges bestowed upon it enabled it to exercise despotic sway over the other banks in every part of the country. From its superior strength it could seriously injure, if not destroy, the business of any one of them which might incur its resentment; and it openly claimed for itself the power of regulating the currency throughout the United States. In other words, it asserted (and undoubtedly possessed) the power to make money plenty or scarce, at its pleasure, at any time, and in any quarter of the Union by controlling the issues of other banks and permitting an expansion or compelling a general contraction of the circulating medium, according to its own will. The other banking institutions were sensible of its strength, and they soon generally became its obedient instruments, ready at all times to execute its mandates; and with the banks, necessarily, went also that numerous class of persons in our commercial cities who depend altogether on bank credits for their solvency and means of business; and who are, therefore, obliged, for their own safety, to propitiate the favor of the money power by distinguished zeal and devotion in its service. The result of the ill-advised legislation which established this great monopoly was to concentrate the whole moneyed power of the Union, with its boundless means of corruption and its numerous dependents, under the direction and command of one acknowledged head, thus organizing this particular interest as one body and securing to it unity and concert of action throughout the United States, and enabling it to bring forward upon any occasion its entire and undivided strength to support or defeat any measure of the Government. In the hands of this formidable power, thus perfectly organized, was also placed unlimited dominion over the amount of the circulating medium, giving it the power to regulate the value of property and the fruits of labor in every quarter of the Union, and to bestow prosperity or bring ruin upon any city or section of the country as might best comport with its own interest or policy.

We are not left to conjecture how the moneyed power, thus organized, and with such a weapon in its hands, would be likely to use it. The distress and alarm which pervaded and agitated the whole country when the Bank of the United States waged war upon the people in order to compel them to submit to its demands cannot yet be forgotten. The ruthless and unsparing temper with which whole cities and communities were oppressed, individuals impoverished and ruined, and a scene of cheerful prosperity suddenly changed into one of gloom and despondency ought to be indelibly impressed on the memory of the people of the United States. If such was its power in a time of peace, what would it not have been in a season of war with an enemy at your doors? No nation but the free men of the United States could have come out victorious from such a contest; yet, if you had not conquered, the Government would have passed from the hands of the many into the hands of the few; and this organized money power, from its secret conclave, would have dictated the choice of your highest officers and compelled you to make peace or war as best suited their own wishes. The forms of your Government might for a time have remained, but its living spirit would have departed from it.

The distress and sufferings inflicted on the people by the bank are some of the fruits of that system of policy which is continually striving to enlarge the authority of the Federal Government beyond the limits fixed by the Constitution. The powers enumerated in that instrument do not confer on Congress the right to establish such a corporation as the Bank of the United States; and the evil consequences which followed may warn us of the danger of departing from the true rule of construction and of permitting temporary circumstances, or the hope of better promoting the public welfare, to influence in any degree our decisions upon the extent of the authority of the General Government. Let us abide by the Constitution as it is written or amend it in the constitutional mode if it is found to be defective.

Andrew Jackson is speaking again to the present moment.

The severe lessons of experience will, I doubt not, be sufficient to prevent Congress from again chartering such a monopoly, even if the Constitution did not present an insuperable objection to it. But you must remember, my fellow citizens, that eternal vigilance by the people is the price of liberty; and that you must pay the price if you wish to secure the blessing. It behooves you, therefore, to be watchful in your States as well as in the Federal Government. The power which the moneyed interest can exercise, when concentrated

under a single head and with our present system of currency, was sufficiently demonstrated in the struggle made by the Bank of the United States. Defeated in the General Government, the same class of intriguers and politicians will now resort to the States and endeavor to obtain there the same organization which they failed to perpetuate in the Union; and with specious and deceitful plans of public advantages and State interests and State pride they will endeavor to establish in the different States one moneyed institution with overgrown capital and exclusive privileges sufficient to enable it to control the operations of the other banks. Such an institution will be pregnant with the same evils produced by the Bank of the United States, although its sphere of action is more confined; and in the State in which it is chartered the money power will be able to embody its whole strength and to move together with undivided force to accomplish any object it may wish to attain. You have already had abundant evidence of its power to inflict injury upon the agricultural, mechanical, and laboring classes of society, and over those whose engagements in trade or speculation render them dependent on bank facilities the dominion of the State monopoly will be absolute and their obedience unlimited. With such a bank and a paper currency the money power would in a few years govern the State and control its measures; and if a sufficient number of States can be induced to create such establishments, the time will soon come when it will again take the field against the United States and succeed in perfecting and perpetuating its organization by a charter from Congress.

It is one of the serious evils of our present system of banking, that it enables one class of society—and that by no means a numerous one—by its control over the currency, to act injuriously upon the interests of all the others, and to exercise more than its just proportion of influence in political affairs. The agricultural, the mechanical, and the laboring classes, have little or no share in the direction of the great moneyed corporations; and from their habits and the nature of their pursuits, they are incapable of forming extensive combinations to act together with united force. Such concert of action may sometimes be produced in a single city, or in a small district of country, by means of personal communications with each other; but they have no regular or active correspondence with those who are engaged in similar pursuits in distant places; they have but little patronage to give to the press, and exercise but a small share of influence over it; they have no crowd of dependents about them, who hope to grow rich without labor, by their countenance and favor, and who are, therefore, always ready to execute their wishes. The planter, the farmer, the mechanic, and the laborer, all know that their success depends upon their own industry and economy, and that they must not expect to become suddenly rich by the fruits of their toil. Yet these classes of society form the great body of the people of the United States; they are the bone and sinew of the country; men who love liberty, and desire nothing but equal rights and equal laws, and who, moreover, hold the great mass of our national wealth, although it is distributed in moderate amounts among the millions of freemen who possess it. But with overwhelming numbers and wealth on their side, they are in constant danger of losing their fair influence in the Government, and with difficulty maintain their just rights against the incessant efforts daily made to encroach upon them.

The mischief springs from the power which the moneyed interest derives from a paper currency which they are able to control, from the multitude of corporations with exclusive privileges, which they have succeeded in obtaining in the different States, and which are employed altogether for their benefit; and unless you become more watchful in your States, and check this spirit of monopoly and thirst for exclusive privileges, you will, in the end, find that the most important powers of Government have been given or bartered away, and the control over your dearest interests has passed into the hands of these corporations.

The paper-money system, and its natural associates, monopoly and exclusive privileges, have already struck their roots deep in the soil; and it will require all your efforts to check its further growth, and to eradicate the evil. The men who profit by the abuses, and desire to perpetuate them, will continue to besiege the halls of legislation in the General Government as well as in the States, and will seek by every artifice to mislead and deceive the public servants. It is to yourselves that you must look for safety and the means of guarding and perpetuating your free institutions. In your hands is rightfully placed the sovereignty of the country, and to you, every one placed in authority is ultimately responsible. It is always in your power to see that the wishes of the people are carried into faithful execution, and their will, when once made known, must sooner or later be obeyed. And while the people remain, as I trust they ever will, uncorrupted and incorruptible, and continue watchful and jealous of their rights, the Government is safe, and the cause of freedom will continue to triumph over all its enemies.

But it will require steady and persevering exertions on your part to rid yourself of the iniquities and mischiefs of the paper system, and to check the spirit of monopoly and other abuses which have sprung up with it, and of which it is the main support. So many interests are united to resist all reform on this subject that you must not hope the conflict will be a short one nor success easy. My humble efforts have not been spared, during my administration of the Government, to restore the constitutional currency of gold and silver; and something, I trust, has been done toward the accomplishment of this most desirable object. But enough yet remains to require all your energy and

perseverance. The power, however, is in your hands, and the remedy must and will be applied if you determine upon it.

While I am thus endeavoring to press upon your attention the principles which I deem of vital importance to the domestic concerns of the country, I ought not to pass over without notice the important considerations which should govern your policy toward foreign powers. It is unquestionably our true interest to cultivate the most friendly understanding with every nation, and to avoid, by every honorable means, the calamities of war; and we shall best attain this object by frankness and sincerity in our foreign intercourse, by the prompt and faithful execution of treaties, and by justice and impartiality in our conduct to all. But no nation, however desirous of peace, can hope to escape collisions with other powers; and the soundest dictates of policy require that we should place ourselves in a condition to assert our rights, if a resort to force should ever become necessary. Our local situation, our long line of seacoast, indented by numerous bays, with deep rivers opening into the interior, as well as our extended and still increasing commerce, point to the Navy as our natural means of defense. It will, in the end, be found to be the cheapest and most effectual; and now is the time, in the season of peace, and with an overflowing revenue, that we can, year after year, add to its strength, without increasing the burdens of the people. It is your true policy. For your Navy will not only protect your rich and flourishing commerce in distant seas but enable you to reach and annoy the enemy, and will give to defense its greatest efficiency, by meeting danger at a distance from home. It is impossible, by any line of fortifications, to guard every point from attack against a hostile force advancing from the ocean and selecting its object; but they are indispensable to protect cities from bombardment; dock yards and Navy arsenals from destruction; to give shelter to merchant vessels in time of war, and to single ships or weaker squadrons when pressed by superior force. Fortifications of this description cannot be too soon completed and armed and placed in a condition of the most perfect preparation. The abundant means we now possess cannot be applied in any manner more useful to the country; and when this is done, and our naval force sufficiently strengthened, and our militia armed, we need not fear that any nation will wantonly insult us, or needlessly provoke hostilities. We shall more certainly preserve peace, when it is well understood that we are prepared for war.

In presenting to you, my fellow citizens, these parting counsels, I have brought before you the leading principles upon which I endeavored to administer the government in the high office with which you twice honored me. Knowing that the path of freedom is continually beset by enemies, who often assume the disguise of friends, I have devoted the last hours of my public life to warn you of the dangers. The progress of the United States, under our free and happy institutions, has surpassed the most sanguine hopes of the founders of the Republic. Our growth has been rapid beyond all former example, in numbers, in wealth, in knowledge, and all the useful arts which contribute to the comforts and convenience of man, and from the earliest ages of history to the present day there never have been 13,000,000 of people associated together in one political body who enjoyed so much freedom and happiness as the people of these United States. You have no longer any cause to fear danger from abroad; your strength and power are well known throughout the civilized world, as well as the high and gallant bearing of your sons. It is from within, among yourselves, from cupidity, from corruption, from disappointed ambition, and inordinate thirst for power, that factions will be formed and liberty endangered. It is against such designs, whatever disguise the actors may assume, that you have especially to guard yourselves. You have the highest of human trusts committed to your care. Providence has showered on this favored land blessings without number, and has chosen you as the guardians of freedom, to preserve it for the benefit of the human race. May He, who holds in His hands the destinies of nations, make you worthy of the favors He has bestowed, and enable you, with pure hearts, and pure hands, and sleepless vigilance, to guard and defend, to the end of time, the great charge He has committed to your keeping.

My own race is nearly run; advanced age and failing health warn me that before long I must pass beyond the reach of human events, and cease to feel the vicissitudes of human affairs. I thank God that my life has been spent in a land of liberty, and that He has given me a heart to love my country with the affection of a son. And filled with gratitude for your constant and unwavering kindness, I bid you a last and affectionate farewell.

Mr. LEWIS. Mr. President, will the able Senator from North Carolina allow me to interject a suggestion at this time touching the address which he has read?

Mr. BAILEY. I yield.

Mr. LEWIS. Knowing the Senator should have some rest, I merely for a moment invite the attention of the Senate to the cruel persecution and partisanship and the extreme of cruelty to which prejudice may go. When Andrew Jackson had delivered this famous address, in which he made such a masterly exposition of statesmanship and government, the University of Harvard tendered him the honor of the university, desiring to give him a degree of letters. When the university had so advertised or publicly made known its inten-

tion, and the assemblage was called for the purpose of conferring on this distinguished Republican-Democrat this natural and justified honor, John Quincy Adams, theretofore President of the United States, addressed the public in an open revolt and protest against Harvard, his alma mater, taking such action, and cried out he would not attend the session as he would not behold his distinguished alma mater dishonoring herself by giving literary recognition to a barbarian.

Mr. ELLENDER obtained the floor.

Mr. OVERTON. Mr. President, will my colleague yield to me for the purpose of suggesting the absence of a quorum?

Mr. ELLENDER. I yield.

Mr. OVERTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Johnson, Calif.	Overton
Andrews	Connally	Johnson, Colo.	Pittman
Ashurst	Copeland	King	Pope
Bailey	Donahey	La Follette	Radcliffe
Bankhead	Duffy	Lewis	Reynolds
Barkley	Ellender	Lodge	Russell
Berry	Frazier	Logan	Schwartz
Bibbo	Gerry	Loung	Schwellenbach
Bone	Gibson	Lundeen	Sheppard
Borah	Gillette	McAdoo	Shipstead
Bridges	Glass	McCarran	Smathers
Brown, Mich.	Guffey	McGill	Smith
Brown, N. H.	Hale	McKellar	Thomas, Okla.
Bulkley	Harrison	McNary	Thomas, Utah
Bulow	Hatch	Maloney	Townsend
Burke	Hayden	Miller	Truman
Byrd	Herring	Minton	Tydings
Byrnes	Hill	Murray	Vandenberg
Capper	Hitchcock	Neely	Van Nuys
Caraway	Holt	Norris	Walsh
Chavez		Nye	

The PRESIDING OFFICER. Eighty-three Senators having answered to their names, a quorum is present.

Mr. ELLENDER. Mr. President, the Senate is dealing with a very serious problem. It is not a question of whether or not the enactment of this bill will prevent lynching; but to me the question which is presented is a social one.

Before I proceed further, I desire to state that I am very happy at this moment. This happiness is not occasioned, however, because of the speech I am about to make but because of the contents of a telegram that my clerk just handed to me. It reads: "Houma, La. A bouncing boy born Wednesday night. All well. Randolph." [Laughter.] I hope the mother is doing well. Randolph, the father of the bouncing boy, is our clerk of court in Terrebonne Parish, La.

I believe that the South is well able to take care of this social problem, which problem involves the Negro. The South has had to wrestle with it since the Negro first landed on our shores. We feel that we know the problem, and we believe that the North must be ignorant on the subject, judging from its attitude in the past and its action at present.

Mr. President, I repeat, we of the South have been dealing with the Negro problem from its inception, and are thoroughly conversant with its many aspects. I shall produce statistics to show that from the time the Negro first came to America, from 74 percent to as much as 87 percent of the entire Negro population has been constantly the wards of the South. It was very unfortunate, I believe, ever to have brought the Negro to our country. His coming has marked the darkest page in our history. Because of slavery, the Civil War was fought and the South forced to surrender its principle. But it has kept on to the best of its ability endeavoring to handle the Negro problem. I think it is succeeding and will succeed if let alone by the North, by the East, and by the West.

Although the Negro came to this country as a slave, I believe it is agreed that he benefited thereby. He came from his native Africa almost as a cannibal, naked and without the semblance of having been the subject of civilized society, and although thereafter held in bondage, he gradually learned the customs of a real civilization. Bear in mind that I am not arguing for slavery, but only to show that the Negro benefited by having been brought into a new environment.

Senators, we do not desire the old wounds that were made during reconstruction days to be reopened. The scars have almost faded. Let us permit them to forever disappear. Just as surely as I am talking to you, if I thought for a minute that the enactment of the pending bill would prevent lynching, I should not be here today raising by voice against this measure; but I say to you, Senators, that the enactment of this bill will not prevent lynching. If I know anything about it, if the bill is enacted we shall have more lynchings.

The South is proud of the fact that it has always stood for local self-government. The South is proud that it has been able to handle this problem as it has without the interference of the Federal Government; and we now ask that we be let alone, so that we may handle the problem as we have in the past.

Mr. President, it has been demonstrated by volumes of statistics that the South is winning the battle against lynching. None of the good people of the South favor lynching. They do not desire it. They abhor it. They think it is tragic. They think it is a heinous crime to take a human being and hang him without the right of trial permitted under our laws. I repeat, the good people of the South are against lynching, but the North is hindering, rather than helping, our efforts to prove it. What I fear is that political equality will lead to social equality, and social equality will eventually spell the decay and the downfall of our American civilization. I propose to show, before I take my seat, that such decay has followed wherever there has been a mixture of the colored races with the whites.

I live in the parish of Terrebonne, down in southern Louisiana, and I am happy to say there never has been a single lynching to occur therein. In order to be certain of that I telegraphed the sheriff of my parish yesterday and asked him to search the records, to interrogate our older citizens, and find out whether or not any lynchings had ever occurred there.

His telegram, dated this day, in reply reads as follows:

Have no record or knowledge of any lynchings in Terrebonne Parish.

F. X. BOURG, Sheriff.

There have been a few attempts at lynching in my home parish to my own personal knowledge. I remember a case that occurred not long after I was admitted to the bar which I should like to mention to the Senate. When a young fellow starts practicing law, he is usually appointed by the court to defend various culprits, and it became my task to defend a Negro charged with attempted rape. An effort was made to take him from the hands of the law, but the good people of my parish permitted the law to pursue its course, and it did not require much effort to bring about that result.

I spent a few hours in the parish jail conversing with the defendant, asking him the facts so as to make up my defense, and he established what seemed to me a perfect alibi. He swore to me that he was not present, that he was not anywhere around when the crime of which he was accused was committed. He was visited by two or three colored people before he talked to me, and evidently he sent them to me in order to be able to prove his alibi.

I took the case very seriously. I studied the law applicable and spent a lot of time in preparation. I was then just a young beginner at the bar, and I wanted to make a record for myself. I fought that case for that colored boy as hard as I fought any case in the years after that, but my client was convicted and he was hanged. Almost to the time of his execution I was not convinced of his guilt, he had made such an impression upon me. I went back to the cell, after he had been found guilty, and asked him about it, and he said, "Boss, I am innocent. I never did that."

The time approached when he was to be hanged, and a preacher went in and talked with the boy and evidently got him to thinking right. After the preacher left the condemned sent for me. I said, "Brown, what do you want?" He said, "Well, boss, I suppose you did all you could for me, but I do not think I am going to let myself be hanged unless I tell you the real truth." He said, "Boss, I lied to you. I did

it, but I did not think it would hurt the girl." He repeated, "I did it and I am guilty." It can be imagined how relieved I was in that situation. There I was, a young beginner. I felt I had made a good defense, but all in vain. The trouble is in many cases, as it was in that, that instead of the Negro race trying to prevent lynching, trying to stop it themselves, they help to get culprits out of jail, and it encourages them to commit these crimes. That is the situation and I personally feel that much of their trouble results from their own acts in helping each other evade the law and not trying to cooperate with the officers upholding it.

Another attempt at a lynching of which I have knowledge occurred in my parish 3 or 4 years ago. A man lived in the vicinity not far from Houma, my home city, who sold ice. He would get his ice from Houma, and store it just a few blocks from his home, out in the country. Somehow a colored man found out that this man went to his ice house every morning to get ice to distribute over a certain territory which was assigned to him. This colored man lay in wait for that poor fellow, and when he came to get his ice this Negro entered the room where the ice was stored and hacked him to pieces and robbed him.

A very serious attempt was made by some of the people of the locality affected to get this murderer. They tried in every way possible to get this Negro to lynch him. The sheriff of our parish and the good citizens of our city got together and fought off the mob and saved him. Later, he was tried and hanged.

I merely cite these instances to show that I honestly believe that the people of other sections of the United States are doing the very thing the people of my parish are doing in order to protect the Negro from mob violence and see to it that he receives a fair trial.

Mr. President, we understand the Negro. We sympathize with him. A Negro who is born in the South and who has lived there is polite by instinct, but send him up North, where he can rub elbows with the whites, where he thinks he is equal to them, and soon he becomes impudent, and if he returns to the South, he gets into trouble. He usually tries to place himself on a social equality with the southern whites and that does not work. I propose to show to the Senate by accurate figures the difference between the number of crimes committed by the Negroes of the North and the crimes committed by the Negroes of the South, and to prove that we in the South know how to handle the problem.

As I said, I repeat, we do not favor lynching; we abhor it. We think it is a heinous crime. We are doing all we can to prevent it, and I beg Senators not to impose this bill on the South, which has been doing all that is humanly possible in order to abolish the evil. Do not attempt to send Federal officers to tell us what to do. The South has taken every conceivable step to stop lynching. Few cases occur at present and those that do are beyond the control of officers, because in most cases the victim is caught and dealt with before the officers are able to apprehend him. There is hardly a Southern State which has not a law making lynching a crime, one punishable by hanging. Almost every State has such a law, and the records show, as was pointed out on many occasions on the floor of the Senate, that the crime of lynching has decreased in frequency. It is now down to a minimum, and we feel that if we are let alone we will continue to be equal to the occasion. In my State in 1936 and 1937 there were no lynchings. We do not propose to have any in 1938, or at any time in the future, if we are only let alone. We propose to keep up the fight until the crime is eradicated.

Mr. President, I am not making these remarks in the nature of a threat that if this bill shall be enacted we in the South will become wrought up over it and start lynching Negroes. I do not mean it in that spirit. But I say that we have made earnest efforts to stop the abuse, and if let alone we are confident, in fact we know, that we can solve the problem.

Mr. President, I wish to present some actual figures taken from Government records published by the United States Department of Commerce for the years 1934 and 1935, and

I hope Senators will follow me. These figures to my mind give as fine a picture as I could paint were I to remain on my feet today, tomorrow, and the next day, of the ability of the South to handle this problem, and the inability of the North, under present conditions, to take care of the situation.

When I refer to the North I do not mean all of the people of the North, but in many communities in almost every State there is a little clique of Negro politicians; there is one in Harlem; there is one in Indianapolis; there is one here in Washington, shouting for equal civil rights and social equality, and the few politicians affected in those various groups in certain States in the North are the ones who are agitating this question. They have used tons and tons of propaganda, and have been labeling this bill as an "antilynching bill," when it is as far removed from being an antilynching bill as I am from the North Pole. It mentions lynching, but no effort has ever been made to educate the advocates of antilynching in what the South has done in handling the problems which have in years gone by confronted it, and which confront it today.

I will ask Senators to listen to some figures I have compiled from a Bureau of the Census publication showing the number of prisoners received in jails and other penal institutions under county or municipal jurisdiction for the first 6 months of 1933. In the 13 Southern States of Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas, the number of Negro prisoners received aggregated 25,496, when the Negro population of those 13 Southern States totaled 8,805,635 persons. In the remaining 35 States, with a Negro population of 3,085,508, 29,542 Negroes were received in county and municipal jails. Just think of it! With the Negro population in 35 States amounting to a fraction less than one-third of the Negro population in 13 Southern States, more Negroes were sent to prison from these 35 States of the North, East, and West than were sent to prison from the 13 Southern States! To put it in another way: For every 100,000 Negroes in the South, 290 were incarcerated in the county and municipal jails, and in the remaining 35 States, 957 out of every 100,000 were sent to the county and municipal jails.

In other words, in the same period, in the North, with a little less than one-fourth of the Negro population, we find that almost three times more Negro prisoners per 100,000 population went to jail than in the South. And in the South, with practically three-fourths of the country's Negro population, only 290 per 100,000 were imprisoned. To what can we attribute such a large difference? The only answer is that we in the South know how to cope with the Negro problem. We do not let the Negro feel that he is socially equal to the white race.

The Negro of the North gets into trouble with the white man of the North when he tries to rub elbows with him—not politically but socially. It is that which the white man of the North resents, and he should. The only white friend the Negro has in the North is the politician and then only when he votes right. As I said a while ago, the Negro from the South is polite by instinct, and he remains in his place and he does not have to be told to do so. He does it by nature. He is taught it from childhood by parents who respect the whites.

Let us compare that table, so far as the white portion of the population is concerned, and see how the figures differ in respect to those living in the North and the South. Using the same table for the same year, 1933—Senators, listen to this—it will be found that in the 13 Southern States there are 24,146,167 white people, and in the remaining 35 Northern States there is a white population of 84,718,040. In the 13 Southern States there were incarcerated 35,273 white people. In the remaining 35 States, together with the District of Columbia, there were 140,602 white persons held in county and municipal jails. Or for every 100,000 white persons in the South, 146 were incarcerated in county and municipal jails, and in the North, for every 100,000 white persons, 166

were incarcerated in jails. That picture shows with clearness the condition with respect to the white population as it exists in the North and the South.

Let us take another example which shows the picture as vividly as that shown a few minutes ago. I give it now in support of my contention that we in the South know how to handle the Negro problem, and that it should be left to us. Let me give Senators as an example some more figures with respect to State and Federal prisons and reformatories. These are very interesting figures. They have also been taken from the Department of Commerce, Bureau of the Census.

In 1934, in 10 Southern States—3 of the 13 Southern States just mentioned did not report—Alabama, Mississippi, and Georgia—there were received in State and Federal prisons and reformatories 6,616 Negroes, out of a total population of 5,779,958 Negroes. In the 35 remaining States, including the District of Columbia, with a total Negro population of 3,085,508, there were 8,237 Negro prisoners received in State and Federal prisons and reformatories.

Stating it in another way: Out of every 100,000 Negroes in 10 Southern States, 114 of them were sent to the State and Federal prisons and reformatories, and in the 35 remaining States, 267 Negroes per 100,000 were admitted to these reformatories. Just think, we in the South with almost double the Negro population of the North, in the States mentioned had 153 Negro prisoners per thousand less in State and Federal prisons.

Mr. President, that again should be convincing that we in the South at least know how to handle the Negro problem. It strikes me, as I am sure it will appear to anyone else, that with treble the amount of Negro population in the South as in the other sections of the country, we should have as great if not greater ratio of crime, but just the contrary is true. The 35 Northern States have only one-fourth of the Negro population, and we in the South have three-fourths of it; yet in the Northern States the ratio of crime among the Negro population is almost three times greater than in the South. That is the picture, and it is worthy of close scrutiny.

Let us see how the figures compare as they affect the white population. In 1934, out of a total white population of the 10 Southern States of 19,611,562, there were 9,319 white prisoners received in State and Federal prisons and reformatories. The 35 remaining States with a white population of 84,718,040, sent 35,772 whites to prison. The ratio or rate per 100,000 in the case of the 10 Southern States was 47, and in the case of the 35 remaining States it was 42. That shows how close the figures are as between the whites in the North and in the South. Compare them with the ratios for the Negroes.

Mr. President, these figures should be very conclusive, and I propose to put them in the RECORD in the hope that those really interested in this bill—those really interested in the problem confronting us—will read and study them.

Let us take the figures for 1935 with reference to State and Federal prisons and reformatories. Those figures show practically the same thing. The same ratio as existed for the year 1934 existed in 1935. For the purpose of emphasis I am going to read to the Senate the figures for the year 1935.

In the 10 Southern States, with a total population of 5,779,958 Negroes there were sent to the State and Federal prisons and reformatories 7,627 Negro prisoners, or 132 to each 100,000 population. For the 35 remaining States, the record shows that there were 8,735 Negro prisoners, out of a Negro population of 3,085,508, or 283 out of every 100,000. Just stop and think of that comparison, Senators.

In the North, with about one-fourth of the Negro population, the ratio of Negro prisoners is approximately two and one-quarter times as great as in the South, where we have three-fourths of the Negro population of the country. God pity us if that ratio of crime as exists in the North ever spreads to the South!

Let us now look at the figures for the white persons who were sent to the State and Federal prisons and reforma-

tories during the same period, to show the analogy, to show the closeness of the ratio with respect to the North and the South.

The 10 Southern States had 9,980 white prisoners out of a white population of 19,611,562, or 51 to each 100,000. The 35 remaining States had 38,602 white prisoners out of a population of 84,718,040, or only 46 to each 100,000.

Mr. President, that picture shows what the conditions are, and it should be evidence of the fact that we in the South are able to handle our own affairs.

At this time I ask that these tables be printed in the RECORD in connection with my remarks.

The PRESIDING OFFICER (Mr. HILL in the chair). Without objection, it is so ordered.

The tables referred to are as follows:

	Number of prisoners	Total population	Rate per 100,000
1933 (first 6 months) (county and municipal jails):			
Negroes:			
10 Southern States.....	25,496	8,805,635	290
Remaining 35 States and District of Columbia.....	29,542	3,085,508	957
Whites:			
10 Southern States.....	35,273	24,146,167	146
Remaining 35 States and District of Columbia.....	140,602	84,718,040	166
1934 (State and Federal prisons and reformatories):			
Negroes:			
10 Southern States (3 Southern States not reporting).....	6,616	5,779,958	114
35 remaining States and District of Columbia.....	8,237	3,085,508	267
Whites:			
10 Southern States.....	9,319	19,611,562	47
35 remaining States and District of Columbia.....	35,772	84,718,040	42
1935 (State and Federal prisons and reformatories):			
Negroes:			
10 Southern States (3 Southern States not reporting).....	7,627	5,779,958	132
35 remaining States and District of Columbia.....	8,735	3,085,508	283
Whites:			
10 Southern States.....	9,980	19,611,562	51
35 remaining States and District of Columbia.....	38,602	84,718,040	46

Mr. ELLENDER. Mr. President, I dislike burdening the Senate with too many figures, but I have some additional data that paint a picture that it would take a long time for me to express in words.

These figures, which are taken from the records of two cities of almost the same population, one being the city of Washington, D. C., and the other the city of New Orleans, La., are worthy of the consideration and attention of the Senate. They show again that in the South we at least know how to deal with the colored problem.

I do not want to be misunderstood when I continuously refer to this bill as one dealing with the Negro problem; I do not doubt that there are a few honest and sincere people who feel that the pending bill will prevent lynching; but I repeat that in my humble opinion, and as has been said many times on the floor of the Senate, the bill comes from a small group of Negro and low-white politicians, who are using this issue as a camouflage. I am confident of that.

Now, let me proceed to read from this table, and I ask the Senate to pay close attention. The figures are based on the census of 1930, the latest figures we have available as to population.

The total population of Washington at that time was 486,869. Of that number, the Negro population was 132,068. So in 1930, 27 percent of the population of the city of Washington was made up of Negroes. In the same year the city of New Orleans had a total population of 458,762, of which number the Negro population was 129,632; so that 28 percent of the people living in New Orleans were colored, in contrast to Washington with 27 percent of its population colored.

Let me point out what the records from those two cities show. The records are accurate; the figures for Washington have been taken from the annual report of the major and superintendent of the Metropolitan Police of the District of

Columbia; and the figures for the city of New Orleans were furnished by the superintendent of police, Mr. George Reyer, and taken from the official records. Listen to the figures.

In the city of New Orleans, in 1935—and I ask the Senate to keep in mind that the Negro population of Washington in 1930 was 27 percent and of New Orleans 28 percent—in the city of New Orleans 22 arrests for murders committed by whites and 26 arrests for murders committed by colored people, or 48 altogether, were recorded. There were 27 whites arrested for manslaughter and 10 Negroes, or a total of 37; for rape, 7 whites were arrested and 11 colored, or 18 altogether; robbery, 52 white and 29 colored, or 81 altogether; aggravated assault, 107 whites and 111 Negroes, or 218 altogether; burglary, 119 whites, 131 Negroes, or 250 altogether; larceny, 427 whites, 399 colored, or 826 altogether; auto thefts, 31 whites, 18 colored, or 49 altogether. So in the city of New Orleans in 1935, with a population 28 percent of which is composed of Negroes, there were 792 whites arrested for the offenses I have just mentioned as against 735 Negroes, or a total of 1,527 altogether.

Now, let us compare those figures with similar figures for the city of Washington, which has a Negro population only 1 percent less than that of New Orleans.

Murder, white 19, colored 53, or a total of 72; manslaughter, 29 white, 15 colored, or 44 altogether; rape, 9 white, 13 colored, or 22 altogether; robbery, 163 whites, 359 Negroes, or a total of 522; assault, 105 whites, 313 Negroes, or 418 altogether; housebreaking (burglary), 301 whites, 916 Negroes; or a total of 1,217; larceny, 209 whites, 330 Negroes, or 539 altogether; auto theft, 146 whites and 5 Negroes, or a total of 151.

What do those figures show? They show that in the city of Washington itself, in which, as I have said, 27 percent of the population is made up of Negroes, there were 981 whites involved in the crimes I have mentioned, as against 2,004 Negroes. Think of that! With only 27 percent of the population of the city of Washington being made up of Negroes, yet in that city 2,004 colored persons were arrested for the crimes listed as against 981 whites.

Let us see how that compares with New Orleans, located in the South, where we have been dealing with the Negro problem for many years past.

As I said a moment ago, in the city of New Orleans, with 28 percent of its population composed of Negroes, for the year 1935, 735 Negroes were arrested for the crimes I have enumerated, while in Washington, during the same year, 2,004 Negroes were arrested for the same crimes, although Washington has a population only 27 percent of which is made up of Negroes. In other words, while the Negro population of Washington is about the same as that of New Orleans, almost three times more colored persons in Washington were arrested and sent to jail than were arrested and sent to jail in New Orleans.

I ask you, Mr. President, what do you think is the cause of that condition? Is it that the South is meaner to the Negroes, as it has been accused of being? Is that it? Or is it that the North and other sections of the country do not know the Negro problem? I think it is the latter. I do not believe they understand the problem; they are absolutely ignorant of it. I state now, Mr. President, that in my humble opinion the Senate had better let the South handle the Negro problem than to undertake to have it attempted by Federal authority.

We of the South do not tolerate an amalgamation of the races. We keep them separate, because we believe in white supremacy.

Let us consider the crime figures for 1936. I have similar data for that year, and I repeat that if these tables are studied by the Senate they will paint a picture that cannot be disclosed by the reading of books. Let me repeat that in 1930, according to the census reports, the city of New Orleans had a total population of 458,762 and a Negro population of 129,632, or 28 percent of the total, while Washington had a total population of 486,869 and a Negro population of 132,068, or 27 percent of the total. Bearing those figures in mind, let me give

the statistics as to crimes committed in 1936, and I ask the Senate to listen to them. I will first take the city of New Orleans.

Murder, white 23, colored 24, or a total of 47; manslaughter, white 14, colored 5, or a total of 19; rape, white 9, colored 11, or a total of 20; robbery, white 57, colored 40, or a total of 97; aggravated assault, white 108, colored 122, or a total of 230; burglary, white 142, colored 165, or a total of 307; larceny, white 375, colored 339, or a total of 714; auto theft, white 25, colored 12, or a total of 37.

Now let me give similar figures as to the city of Washington. Murders, 17 by the whites and 42 by the Negroes, or 59 altogether; manslaughter, 6 whites and 6 Negroes, or a total of 12; rape, white 5, colored 9, or 14 altogether; robbery, 212 white, 644 colored, or a total of 856; assault, white 78, colored 296, or a total of 374; housebreaking (burglary)—listen to this—white 297, colored 1,465—in the city of Washington—or a total of 1,762; larceny, 149 white, 348 Negro, total 497; auto theft, whites 13, Negroes none, total 13.

Now listen to the comparison of totals between the two cities, which, as I said a moment ago, have about the same Negro population. Of the whites, 753 in the city of New Orleans, according to the police records of that city, were arrested for the crimes which I have mentioned, while in the city of Washington, with about the same white population, 777 whites were arrested for such crimes. There is a difference of only 20 in the case of white people.

Now let us see how the colored race fared. In New Orleans a total of 718 colored were arrested for the crimes mentioned, while in the city of Washington, which, I repeat, had practically the same Negro population as had New Orleans, there were 2,810 colored people arrested for the same crimes.

What does that show, Senators? It simply shows that when you give to the Negro an inch he will take a foot. The enactment of laws such as the one now proposed is no guarantee against lynching. The Negro thinks he will gain something by the enactment of this bill. He has been told he will win recognition. The next thing he is going to do, I believe, is to try to have the marriage laws passed by the various States nullified.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. CONNALLY. I call the attention of the Senator to the fact that there is now pending in the House of Representatives a bill authorizing the Federal Government to take over from the States all marriage and divorce laws. If Congress yields to this colored paid agitator and lobbyist on this question, is it not entirely reasonable to assume that in some future Congress he will be back advocating a Federal marriage and divorce law?

Mr. ELLENDER. There is no doubt about it, Mr. President.

Mr. CONNALLY. And, of course, if such a law shall be enacted, the same Senators who are clamoring for the enactment of this bill will provide in it that there shall be no discrimination as between the races.

Mr. ELLENDER. That will be the next step just as surely as I am now addressing the Senate.

I want to say at this time, since the Senator from Texas has brought up the subject—and I shall repeat the statement after a while—that this bill may pass, but before that happens I am going to give the Members of this body the right and privilege of voting on three amendments. I do not know whether or not they are constitutional, but I venture to say that they will be just as constitutional as the bill itself is.

First, I am going to offer an amendment to the bill to prevent the marriage of Negroes with whites or whites with Negroes.

In case that amendment is not agreed to, in order to protect the States which respect their whites, and which have enacted laws to prevent intermarriage between members of the two races, I am going to offer an amendment preventing Negroes and whites who have intermarried from going into

States where marriage between Negroes and whites is prohibited. That is amendment No. 2.

No. 3. I am going to ask Senators to vote to prevent the marriage of Negroes with whites in the District of Columbia. Since I have been here I have seen quite a few cases, I am sorry to say, of white women hanging on the arms of Negro men. That ought to be prevented, and if I have anything to do with it, I am going to stop it.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. CONNALLY. Does the Senator mean he is going to demand a ye-and-nay vote on these amendments?

Mr. ELLENDER. I am.

Mr. CONNALLY. And let Senators express themselves in a record vote on these three amendments?

Mr. ELLENDER. I do not know whether or not they will do it, but we shall find out how they stand on this question.

Mr. McKELLAR. Mr. President, the Senator probably will not demand a ye-and-nay vote before the Fourth of July, will he?

Mr. ELLENDER. Hardly.

Mr. McKELLAR. I think the bill probably will be before the Senate until that time, unless it is withdrawn.

Mr. ELLENDER. It may be, Mr. President. I hope not, though. I hope the proponents of the bill will see the light before it is too late.

Mr. McKELLAR. I sincerely hope so, too.

Mr. ELLENDER. I will say frankly that as surely as I am talking to the Senators today, if I thought for a moment that the enactment of this bill would accomplish the prevention of lynching, I would not be here talking against it; but I repeat, as I said a while ago, that political equality as camouflaged by this bill, will lead to social equality, and social equality eventually will spell the decay and downfall of our American civilization; and I propose to show that statement is true, not by the history of one country but by the history of many countries.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. McKELLAR. I agree with the Senator from Louisiana that not only will enactment of the bill not do any good but in my judgment it will increase to a very considerable extent the number of lynchings in the United States. Its every tendency is in that direction. Its every intentment will be likely to bring about that result. Those who are the real friends of the colored people—and I know I am one of their real friends—are opposed to lynching, and they want to extirpate it, pull it up by the roots; and the only way in which it can be done is by State action. It cannot be done by Federal action.

Mr. ELLENDER. There is no question about that, Mr. President; and I yield precedence to no one in my sympathy for the colored race on this subject.

To go back to this table, let us see what it shows.

In 1935, as I pointed out a while ago, as between the whites and the colored race in New Orleans, the crime record was about the same. With 28 percent of the population of said city colored as against 72 percent white, the infractions of the law were about the same. For the whites, the violations numbered 792 and for the colored they numbered 735. For the same year, in the city of Washington, with 27 percent of the population colored, the proportion of crime was over 2 to 1 for the Negroes as against the whites.

For 1936, in the city of New Orleans, as between the whites and the colored, with a population ratio, as I said, of 28 percent of colored and 72 percent of whites, the crimes were 753 for the whites as against 718 for the colored; but in the city of Washington, with 27 percent of colored and 73 percent white population, the crime ratio was 4 to 1—4 colored to 1 white. Stop and think of that—4 to 1!

Mr. President, I ask that the table to which I have referred be printed at the end of my remarks.

The PRESIDING OFFICER (Mr. HILL in the chair). Without objection, it is so ordered.

(See exhibit A.)

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. McKELLAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	Hitchcock	Schwartz
Ashurst	Duffy	Johnson, Colo.	Sheppard
Bailey	Ellender	La Follette	Shipstead
Bankhead	Frazier	McGill	Smith
Barkley	Gibson	McKellar	Thomas, Utah
Bone	Guffey	McNary	Townsend
Brown, Mich.	Hale	Minton	Vandenberg
Brown, N. H.	Harrison	Norris	Van Nuys
Bulow	Hatch	Nye	
Caraway	Hayden	Overton	
Connally	Hill	Pope	

The PRESIDING OFFICER. Forty-one Senators having answered to their names, there is not a quorum present. The clerk will call the names of the absent Senators.

The legislative clerk called the names of the absent Senators, and Mr. BULKLEY, Mr. COPELAND, Mr. GILLETTE, Mr. LEWIS, and Mr. LOGAN answered to their names when called.

The PRESIDING OFFICER (Mr. BONE in the chair). Forty-six Senators having answered to their names, there is not a quorum present.

Mr. BARKLEY. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. CONNALLY. I ask for the yeas and nays on that motion.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky.

The motion was agreed to, and the Sergeant at Arms was directed to request the attendance of absent Senators.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. When we send for the absent Senators do we send for those who have been here and fled, as well as for those who have not been here at all?

The PRESIDING OFFICER. The parliamentary clerk advises the Chair that only those who did not answer to their names will be required to come.

Mr. CONNALLY. At the time the Sergeant at Arms produces those who have not heretofore answered to their names, those who have answered to their names will be gone.

Mr. BARKLEY. That is not a matter of which the Chair can take official notice.

Mr. ANDREWS, Mr. BYRNES, Mr. LODGE, Mr. McADOO, and Mr. TRUMAN entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-one Senators having answered to their names, a quorum is present.

Mr. CONNALLY. Mr. President—

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. McKELLAR. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McKELLAR. The Senator from Kentucky [Mr. BARKLEY] made a motion that the Sergeant at Arms be directed to request the attendance of absent Senators, and the motion was agreed to. The order to the Sergeant at Arms has not been vacated. What becomes of it?

The PRESIDING OFFICER. A quorum has been developed, and the Chair takes it that that answers the demand under the motion of the Senator from Kentucky. The record now indicates that a quorum of the Senate is present.

Mr. CONNALLY. That may be true, Mr. President, but the Senate voted to direct the Sergeant at Arms to request the attendance of absent Senators. In order to proceed in order now there must be a motion to vacate the order.

Mr. BARKLEY. Oh, no; it is not necessary to vacate the order. Upon the development of a quorum the Senate can proceed with its business. The order will remain in force until it is revoked or modified, and it is not necessary to do that in order that the Senate may go ahead with its business.

The PRESIDING OFFICER. The Chair understands that to be the correct rule.

Mr. CONNALLY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. Assuming that to be the correct rule, does the Sergeant at Arms disregard his instructions and not try to bring in any other absentees, or go to sleep, or what becomes of him?

The PRESIDING OFFICER. The Sergeant at Arms being an officer of the Senate, the Chair assumes he is advised that a quorum is now present.

Mr. CONNALLY. The order of the Senate was not to send for absent Senators until we got two more Senators, but the order of the Senate was to notify all absent Senators to come to the Senate. If the Sergeant at Arms is at liberty to ignore the order of the Senate, that is one thing. I have no disposition to annoy the Chair about the matter, but—

The PRESIDING OFFICER. The Sergeant at Arms has not reported, and the present occupant of the chair has no way of knowing what he is doing.

Mr. BARKLEY. And the Senate has no right to assume that he is not performing his duties.

The PRESIDING OFFICER. We can reach that point if it is desired to dispose of it, in another fashion.

The Senator from Louisiana has the floor.

Mr. LEWIS. I move that the—

Mr. BARKLEY. Action on a motion will call for another roll call, I will say to the Senator from Illinois.

Mr. McKELLAR. I move that the order to the Sergeant at Arms be vacated.

The PRESIDING OFFICER. The Senator from Louisiana [Mr. ELLENDER] has the floor, and he has not yielded.

Mr. ELLENDER. Mr. President, I did not realize that I was making what may be termed a boring speech until it came to my attention that, for the first time since I have been here in the Senate, the Senate has hardly been able to get a quorum. [Laughter.]

I revert to the pending bill. It is my hope that every Senator will read and study the two tables that I have sent to the desk for incorporation in the RECORD following my remarks. As I pointed out to the Senate, the last table dealt with crime in the city of Washington, the District of Columbia. That table shows that apparently the city of Washington, which is under Federal control, which acts under and by virtue of laws enacted by Congress, has really failed to enforce the laws with reference to the Negroes when comparison is made with law enforcement in the city of New Orleans. Senators, just stop and think! In 1935 under Federal law the city of Washington was unable apparently to cope with the situation in comparison to what we in the South were able to do in New Orleans, with particular reference, of course, to the Negro problem.

As I have pointed out, last year in the city of Washington, D. C., four Negroes to one white person were placed under arrest, although in Washington only 27 percent of the population were Negroes. Compared with the 28 percent in New Orleans, the ratio of black to white offenders was almost even in the two cities.

Mr. President, if the Federal Government fails to do its duty in the city of Washington with respect to the crime problem, with respect to the enforcement of the law, insofar as it affects the colored race and the white race, I maintain that it will make a more dismal failure when it attempts to put its fingers into the pie, as it were, in the South.

I repeat, Senators, we of the South understand the Negro question; all we ask is to be let alone and we will solve our own problems. To my way of thinking—and I believe the same opinion has been expressed by a large number of Senators—this bill is purely sectional; it is directed solely and wholly at the South. I say further that this bill results from mere politics on the part of its proponents and those behind them. There is a little group in Harlem, a large group in Chicago, a larger group in Indianapolis who are pressing this

measure. No one will make me believe that the white citizenry of those cities are in any manner pressing this bill. If they are, then surely they do not know what it is all about and what result its passage will eventually accomplish.

I repeat, political equality leads to social equality, and social equality will eventually spell the decay and downfall of our American civilization. I propose to show, by historical record, that elsewhere such a condition has come about. I say to the Members of the Senate that if these groups succeed in passing legislation of this kind, politicians from such States and cities, a Negro group here and another one over there will become bolder and bolder as time passes and will insist that their representatives enact laws which, in my opinion, will finally give to them social equality. The moment that is done, God pity the American people and this Nation of ours. I repeat, Mr. President, that in my humble opinion this bill is sectional. It is a slap, as it were, at the South. It is a blow aimed at a section of the country that is attempting to solve and is succeeding in solving the problem.

The South is friendly to the colored race; it understands its people; it is kind to them; and it tries to work with them. We of the South realize that the colored people are our wards; that they are in the South to stay; and, if we are let alone, we are going to solve the lynching problem which affects not only them, but whites of a low status.

Mr. President, to prove that this bill is purely sectional, I wish to refer the Senate to some of the measures which have been introduced on the same subject in the past. Practically every bill formerly introduced in either House of Congress has contained almost the same language. There has been hardly any difference. A little addition, by way of improvement, perhaps, was made in the second bill over the first bill and in the third bill over the second bill, and so on, insofar as the question of lynching was concerned and as the colored race was affected. Those, however, are the things at which all the bills have been directed.

What do we find in the pending bill? We find that the pending bill as it came from the House of Representatives contained almost the same language as that found in the Dyer bill, known as H. R. 5540, which was before this body in 1927, and in Senate bill 24, known as the Costigan-Wagner bill, which was before this body in 1935. The phrasing of those two bills is almost identical with the language of the pending bill as it came from the other House. But what did the Judiciary Committee of the Senate do? They changed it and added to it, which, to me, proves conclusively that the bill is directed at a particular section of the country, and that is the South. Why do I say that?

Let me read from the bill as reported by the Senate Committee on the Judiciary.

SEC. 2. Any assemblage of three or more persons which shall exercise or attempt to exercise by physical violence and without authority of law any power of correction or punishment over any citizen or citizens or other person or persons in the custody of any peace officer or suspected of, charged with, or convicted of the commission of any offense, with the purpose or consequence of preventing the apprehension or trial or punishment by law of such citizen or citizens, person or persons, shall constitute a "mob" within the meaning of this act.

That is somewhat similar to the language of the House bill.

Any such violence by a mob which results in the death or maiming of the victim or victims thereof shall constitute "lynching" within the meaning of this act.

Now, listen to this language:

Provided, however, That "lynching" shall not be deemed to include violence occurring between members of groups of lawbreakers such as are commonly designated as gangsters or racketeers, nor violence occurring during the course of picketing or boycotting, or any incident in connection with any "labor dispute" as that term is defined and used in the act of March 23, 1932 (47 Stat. 70).

That is the language that was added to the bill.

In other words, gangsters in New York and Chicago are exempted from the provisions of this bill, and labor disputes of any character in which three or more are engaged are

likewise exempt from the provisions of the bill, and the bill is left to deal only with the lynching problem of the South. The sponsors of the bill come here and tell us that we in the South cannot manage our affairs. I say that if they will let us alone we will handle them; but if the Federal Government interferes and tries to do so for us, I am confident it will fail worse than it has failed in the correcting of crime in the city of Washington in the very shadow of the Nation's Capitol.

Why was the provision relating to labor put into this bill? I suppose that some of the labor leaders may have read Mr. Justice Black's speech on the question, in which he forcefully pointed out the effect this bill would have on labor and on the lawful assemblage of labor engaged in an effort to settle industrial disputes. He pointed out in his speeches that, in his opinion, if this bill should be enacted it would injuriously affect labor. So what do we find as a result? We discover that in the pending bill, as I just pointed out, labor is excluded from its terms, thereby showing conclusively that it was the intention of the proponents of the bill and of those who appeared before the Judiciary Committee and who were interested in it to slap the South; to make the bill apply only to the South, and let every murderer and racketeer who may operate elsewhere to escape entirely the severity of its provisions.

Mr. President, I dislike to see such a condition exist in the Senate. I dislike to see the greater portion of our Nation hurl insult at the South, where the people are law-abiding, respectable citizens. They are doing all they possibly can to solve a problem which they consider to be theirs. It is an unwise act to open those wounds which were caused during reconstruction days. Left to our own judgment we can handle the problem in our own way and we propose to do it.

Just stop and think of this. As was pointed out by several Senators, do you know that since 1901 up to 1923 less than 100 persons per year—not only Negroes but whites and others—were lynched, in comparison to as many as three hundred and some odd in previous years; and from 1928 up to 1935 as low a number as 33 and even less per year was the maximum number of lynchings of both whites and Negroes in the South. That ought to show that we are doing all we can to put an end to this violation of law. We abhor lynching as much as you do; we are endeavoring to stop it; and we feel confident that, if let alone, we shall succeed.

The great labor organization known as the American Federation of Labor has seen fit to take sides in this matter; why, I do not know. If the officers of the American Federation of Labor would study this problem conscientiously and not merely listen to a lot of "hokey," as I call it, a lot of propaganda from various sources, I am sure they would be better informed.

Let me read you what they did in 1937 at their convention in Denver. I say if they had been informed on the subject, if the American Federation of Labor had been shown what progress has been made with reference to lynching, how the South is solving this problem, the resolution on antilynching which I shall read would not have been passed by members of their convention. I read from the proceedings of the American Federation of Labor of that year:

ANTILYNCHING BILL

(P. 161, executive council's report)

The committee recommends that the convention register emphatic support of legislation for the purpose of removing from our society the blot of lynching. It further recommends that the executive council be instructed to vigorously continue efforts for the enactment of legislation of the most drastic character for this purpose.

A motion was made and seconded to adopt the committee's report.

Delegate Jackson (Dallas, Tex., Central Labor Council) said: "Personally, I would not like to see the fifty-seventh annual convention go on record approving of the antilynching bill, for the simple reason that we in the South are able to run our own business. I refer the delegates to the splendid speech before Congress of the Honorable HATTON W. SUMNERS. We are capable of handling our own affairs, and up to this time I think we have only had 1 lynching in about every 3,000,000, and I think this

convention would be discriminating against a great section of this United States, as we are capable of handling our own business."

Delegate MARTEL, Typographical Union. I would like to know if the gentleman means the way they handle union organizers in Florida and some of the Southern States is to be taken as an evidence of the desire of the southern people to maintain decent civil government.

Delegate RANDOLPH (sleeping-car porters)—

I understand he is a colored man—

Mr. Chairman, I simply rise to endorse the report of the committee. I think it is a very splendid report and ought to be supported by this entire convention. It seems almost inconceivable that anyone would get up and oppose such a report.

As a matter of fact, the history of lynching in the South indicates that the Southern States are not prepared to deal with this problem. They have not dealt with it in the past.

This is a colored man talking.

In the last 50 years over 5,000 people have been lynched in the Southern States.

"Five thousand people have been lynched in the Southern States." This is Randolph, a colored man, talking.

One thousand or more were white, and certainly there is no evidence that the Southern States are qualified or even have the intention of handling this question with justice.

The only way to eliminate lynching in America is to have some Federal antilynching law enacted. I think this committee's report is very splendid, and I hope the convention will adopt it.

The report of the committee was adopted by a practically unanimous vote.

Fellow Senators, that is what was done by the American Federation of Labor in convention assembled.

Mr. CONNALLY. Mr. President, will the Senator yield at that point?

Mr. ELLENDER. Yes, sir.

Mr. CONNALLY. There is a popular idea that this bill does not cover labor disturbances and disputes, but I call the attention of the Senator from Louisiana to section 2 of the bill, which reads as follows:

Any assemblage of three or more persons which shall exercise or attempt to exercise by physical violence and without authority of law any power of correction or punishment over any citizen or citizens or other person or persons in the custody of any peace officer or suspected of, charged with, or convicted of the commission of any offense, with the purpose or consequence of preventing the apprehension or trial or punishment by law of such citizen or citizens, person or persons, shall constitute a "mob" within the meaning of this act.

For the sake of illustration, let us assume that there is a labor conflict, a strike, with one group of strikers and another group of antistrikers, or on the one hand the American Federation of Labor and on the other the C. I. O. The police interfere and arrest one of the disturbers and start to deal with him. If the officer should be interfered with, or the prisoner should be taken away from the officer by either group, as frequently happens in labor disputes, they would immediately become subject to the provisions of this bill, if it should be enacted into law, and subject to criminal prosecution and criminal penalties.

Mr. ELLENDER. I doubt if they would come under the bill if the proviso which is now in it shall remain in it.

Mr. CONNALLY. But an amendment has been offered by the Senator from Illinois [Mr. Lewis] to eliminate that particular proviso.

Mr. ELLENDER. I understand that that is the case.

Mr. CONNALLY. Under the general terms of the bill, however, without the exception, labor disputes would be within the terms of the bill.

Mr. ELLENDER. That is true. Am I to understand the Senator from Texas to indicate that he will offer an amendment that will include labor as well?

Mr. CONNALLY. An amendment is being prepared making the bill applicable not merely to labor but to anybody, any three persons who may do these things. There is no reason why we should discriminate as between different kinds of persons.

Mr. ELLENDER. I agree with the Senator. Such an amendment will tend to make the bill more constitutional, anyhow, if that is possible.

Mr. President, as I have just stated, I believe the American Federation of Labor should keep out of this controversy unless it first gets the facts. I think it could perform a much better service to the people of the Nation if its members would really study the issue—not merely the antilynching problem, but the race problem.

The representative of the American Federation of Labor, Mr. Randolph, condemns the South with the statement that "In the last 50 years over 5,000 people have been lynched in the Southern States."

Certainly the records do not justify this statement. A few days ago the senior Senator from Tennessee [Mr. McKellar] made reference to certain data prepared for the World Almanac by Monroe N. Work, director of the department of records and research, Tuskegee Institute, Alabama, and editor of the Negro Year Book. By reference to these records, which will be found on page 282 of the World Almanac for 1937, it will be found that between the years 1882 and 1935, the total lynchings in the United States amounted to 4,681—1,311 whites and 3,370 Negroes—a total for the entire United States for 54 years, of 4,681 lynchings; and yet Mr. Delegate Randolph, of the American Federation of Labor, accuses the South alone of over 5,000 lynchings during the past 50 years!

There is another table found on the same page of the World Almanac, prepared by the same person from Tuskegee Institute, which lists, by States, the total number of lynchings in the United States from 1889 to 1933. If Senators will total up the number of lynchings as shown by this table for the 13 Southern States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Virginia, Tennessee, and Texas, they will find that in this 45-year period these Southern States are charged with 3,151 lynchings. Since the total lynchings in the United States for the years from 1934 through 1937 amounted to only 52, it may readily be seen that Randolph erred deliberately in his charge that the South was responsible for over 5,000 lynchings in the past 50 years, and for that reason, as he says, is "not prepared to deal with this [the lynching] problem."

As a matter of fact, the South is prepared to deal with, and is meeting, the lynching problem. I believe that fact has been clearly and without a doubt established by my colleagues who have heretofore spoken on this subject. In this connection, I should like to quote further from the report mentioned by me a few minutes ago, prepared by the representative of the Tuskegee Institute, regarding lynching in 1935. I quote from the report:

There were 53 instances in which officers of the law prevented lynchings. Nine of these were in Northern and Western States, and 44 in Southern States. In 42 of the instances the prisoners were removed or the guards augmented or other precautions taken. In the 11 other instances armed force was used to repel the would-be lynchers. A total of 84 persons, 17 white and 67 Negro, were thus saved from death at the hands of mobs.

I repeat that Mr. Randolph was wrong when he stated at the American Federation of Labor convention that 5,000 Negroes were hanged in the South during the past 50 years, and that the South is making no progress in dealing with this problem. It is such propaganda as that which is being spread throughout this Nation which is giving a little backing to this bill, and nothing more. Certainly it is not based on facts.

Mr. President, as I stated a while ago, the problem of lynching is strictly a southern problem. We have had the larger percentage of Negro population ever since this country has been a country. We have had to deal with the Negroes. Let me state to you the percentage of the Negro population in the South as compared with that of the North.

Mr. President, the figures I desire now to give are for the 13 Southern States of Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas. The

figures are taken from the Census Bureau reports. The table shows the geographic distribution of the Negro population from 1850 to 1930, as follows:

	13 Southern States		Remainder of the United States	
	Number	Percent	Number	Percent
1850.....	3,152,998	87	485,810	13
1860.....	3,890,037	88	551,793	12
1870.....	4,161,242	85	718,767	15
1880.....	5,631,749	86	949,044	14
1890.....	6,408,272	86	1,080,404	14
1900.....	7,527,007	85	1,305,987	15
1910.....	8,327,377	85	1,500,386	15
1920.....	8,441,106	81	2,022,025	19
1930.....	8,805,635	74	3,085,508	26

I cite these figures merely to show to the Senate that we have the greater portion of the Negro population of the country in the 13 Southern States, yet 35 of the Northern, Eastern, and Western States are now attempting to tell us how to handle the Negro problem. I repeat, we have had to deal with the Negro problem since the Negroes were landed in the United States about 1619, on the James River, and we will have that problem to deal with as long as the country remains as it is. We have tried in every way we know to separate the races, to segregate them, and not to amalgamate them, as would eventually be done if the pending bill and similar measures were enacted. I repeat, if there were an amalgamation of the races, political equality would lead to social equality, and social equality would eventually spell the decay and downfall of our American civilization.

I propose to show the Senate by actual figures how nations in the past have decayed because of having Negro blood mixed with white blood, and that is what we are destined for unless we check it.

I desire now to come to a discussion of the States themselves, and I ask, What interest does the State of Maine have in the Negro problem, when in that State less than one-tenth of 1 percent of the State's population is Negro, according to the 1930 census? The folks in Maine certainly do not know anything about the Negro problem. Whenever the colored people find that the whites are superior to them in number, they usually toe the mark, but whenever they feel that they are equal in strength to the whites, if they are given an inch they take a yard.

EXHIBIT A

Data from police records of cities of Washington, D. C., and New Orleans, La., showing arrests for certain crimes, as between whites and Negroes—Years 1935 and 1936

	1935			1936		Total
	Whites	Colored	Total	Whites	Colored	
City of New Orleans:						
Murders.....	22	26	48	23	24	47
Manslaughter.....	27	10	37	14	5	19
Rape.....	7	11	18	9	11	20
Robbery.....	52	29	81	57	40	97
Aggravated assault.....	107	111	218	108	122	230
Burglary.....	119	131	250	142	165	307
Larceny.....	427	399	826	375	339	714
Auto theft.....	31	18	49	25	12	37
Total.....	1,792	1,735	1,527	1,753	1,718	1,471
City of Washington:						
Murders.....	19	53	72	17	42	59
Manslaughter.....	29	15	44	6	6	12
Rape.....	9	13	22	5	9	14
Robbery.....	163	359	522	212	644	856
Assault.....	105	313	418	78	296	374
Housebreaking (burglary).....	301	916	1,217	297	1,465	1,762
Larceny.....	209	330	539	149	348	497
Auto theft.....	146	5	151	13	-----	13
Total.....	1,981	1,204	2,985	1,777	1,210	3,587

¹ About even.

² Over 2 to 1.

³ Almost 4 to 1.

Population, Washington, D. C., and New Orleans, La.

[Figures furnished by Dr. Truesdell, Chief of Census Bureau; taken from 1930 Census]

	Washington	New Orleans
Total population.....	486,869	458,762
Negro population.....	132,068	129,632
Percentage of Negro population to total.....	27	28

Mr. MILLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Lodge in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Hayden	Murray
Andrews	Connally	Hill	Norris
Bailey	Copeland	Johnson, Colo.	Overton
Bankhead	Donahay	Lodge	Pope
Barkley	Ellender	Logan	Schwellenbach
Berry	Frazier	McAdoo	Sheppard
Bone	Gibson	McCarran	Shipstead
Brown, N. H.	Guffey	McGill	Thomas, Utah
Bulkeley	Hale	McKellar	Vandenberg
Bulow	Harrison	Miller	Van Nuys
Byrnes	Hatch	Minton	

The PRESIDING OFFICER. Forty-three Senators having answered to their names, a quorum is not present.

Mr. BARKLEY. Mr. President, an order heretofore entered directing the Sergeant at Arms to request the attendance of absent Senators is still in force, and I insist upon its observance.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. McKELLAR. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McKELLAR. Mr. President, it was argued a while ago that the formal order became vacated by reason of the appearance of a sufficient number of Senators to constitute a quorum. Does that order still remain in full force and effect?

The PRESIDING OFFICER. The Chair is advised by the parliamentary clerk that not having been formally vacated, the order is still in effect.

Mr. McKELLAR. I move that the order be vacated.

Mr. CONNALLY. On that I demand the yeas and nays.

The PRESIDING OFFICER. The Chair is advised by the parliamentary clerk that that motion is not in order in the absence of a quorum.

Mr. DUFFY, Mr. GILLETTE, Mr. MALONEY, Mr. McNARY, Mr. RADCLIFFE, Mr. RUSSELL, and Mr. SCHWARTZ entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators having answered to their names, a quorum is present.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. The Senate ordered the Sergeant at Arms to do certain things. Has the Sergeant at Arms ever made a report to the Senate?

The PRESIDING OFFICER. The Chair is not in receipt of any report from the Sergeant at Arms.

Mr. McKELLAR. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McKELLAR. Is it in order to move to vacate the order directed to the Sergeant at Arms?

Mr. BARKLEY. Mr. President, I make the point of order that the Senator from Louisiana [Mr. ELLENDER] has the floor, and no motion of any sort is in order unless the Senator from Louisiana yields for that purpose.

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. CONNALLY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Texas?

Mr. ELLENDER. I yield.

Mr. CONNALLY. I rise to a question of privilege of the Senate. The Senate is entitled to a quorum all the time; not just for a second, after which most of the Senators may run out of the Chamber. When the roll was called some 25 minutes ago certain Senators answered and immediately departed, and then the Sergeant at Arms was instructed, under an order of the Senate previously entered, to request the attendance of absent Senators. A quorum, in my opinion, is a physical fact, to be determined by the Presiding Officer based upon the Senators who are present; not upon Senators who are over in the office building, or on the little car riding to the office building, or down in the restaurant, or out in the Secretary's office, or in some other office.

I understand that it is a habit of the clerks at the desk, when a Senator merely walks through the Chamber and walks on out, to put him on the roll; and he stays on it until some other quorum call is had.

That is not a quorum. The Senator from Texas is going to challenge the integrity of the roll calls from now on. The Senator from Texas does not wish to embarrass anybody, but if the Senate is going to order us to stay here and debate this bill I want Senators to stay here and hear the debate, because if they do they will not vote for this infernal measure.

The PRESIDING OFFICER. The Senate will receive a report from the Sergeant at Arms.

The SERGEANT AT ARMS. The Sergeant at Arms desires to report that a quorum has been produced, as the record shows.

Mr. McKELLAR. Mr. President, will the Senator from Louisiana yield to me for the purpose of making a motion to discharge the Sergeant at Arms from the further production of absent Senators?

Mr. ELLENDER. I yield for that purpose.

Mr. McKELLAR. Mr. President, I move that the Sergeant at Arms be discharged from the further execution of the order to procure the presence of absent Senators.

The PRESIDING OFFICER. That motion is in order.

Mr. MINTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. MINTON. If the Senator from Louisiana yields for the purpose of permitting the Senator from Tennessee to make that motion, does he lose the floor?

The PRESIDING OFFICER. He loses the floor. The question is on the motion of the Senator from Tennessee.

Mr. BARKLEY. Mr. President, is that motion debatable?

The PRESIDING OFFICER. The Chair believes it is debatable.

Mr. BARKLEY. I have no desire to debate the motion. I merely wish to call attention to the fact that the question of a quorum is a matter of privilege for the Senate. The object of the motion which I made in the beginning to instruct the Sergeant at Arms—which is always in order when the presence of a quorum is not developed—is to bring in absent Senators. The Chair held that that order was good until vacated, and would apply to any future roll call until vacated, in order that a quorum might be obtained. For that reason, while it makes no difference to me whether or not the order is vacated, it might facilitate obtaining a quorum if the Sergeant at Arms should rest under a continuing order, whenever on a roll call a quorum is not developed, to produce one.

Mr. McKELLAR. That is just the point. That is why I made the motion to discharge the Sergeant at Arms from the further execution of the order. I believe the Sergeant at Arms stated, under a preceding motion which I made when there was not a quorum present, and which the Chair very properly held could not be entertained so long as there was not a quorum, that I was undertaking to discharge him. I want him to understand that we are not trying to discharge the Sergeant at Arms at all, but are merely trying to discharge him from the further execution of this order; and I insist upon the motion.

Mr. BARKLEY. Mr. President, if the Senator will yield, does the Senator take the position that he does not want a quorum kept here or produced?

Mr. McKELLAR. I do want a quorum kept here or produced; but I think it ought to be accomplished by a motion made in each individual case, and I do not think a standing order of that kind ought to be made.

Mr. BARKLEY. Mr. President, I move to lay on the table the motion of the Senator from Tennessee.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky to lay on the table the motion of the Senator from Tennessee [Mr. McKELLAR].

Mr. McKELLAR. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. GIBSON. My colleague the senior Senator from Vermont [Mr. AUSTIN] is unavoidably detained. If present, he would vote "yea."

Mr. BYRNES. I have a pair with the Senator from Maine [Mr. HALE]. I transfer that pair to the senior Senator from Arkansas [Mrs. CARAWAY], and will vote. I vote "nay."

Mr. COPELAND. My colleague [Mr. WAGNER] is detained from the Senate by illness. If present, he would vote "yea."

Mr. McKELLAR (after having voted in the negative). I have a general pair with the junior Senator from Delaware [Mr. TOWNSEND]. I inquire whether or not he has voted.

The PRESIDING OFFICER. The Senator from Delaware has not voted.

Mr. McKELLAR. In that case I transfer my pair with him to the senior Senator from South Carolina [Mr. SMITH], and will allow my vote to stand.

The roll call resulted—yeas 33, nays 13, as follows:

YEAS—33

Ashurst	Copeland	Lundeen	Schwartz
Barkley	Donahey	McGill	Schwellenbach
Bone	Duffy	McNary	Thomas, Okla.
Bridges	Frazier	Maloney	Thomas, Utah
Brown, N. H.	Gibson	Minton	Truman
Bulkley	Gillette	Murray	Van Nuys
Bulow	Guffey	Norris	
Capper	Lodge	Pope	
Clark	Lonergan	Radcliffe	

NAYS—13

Adams	Connally	Hill	Reynolds
Bailey	Ellender	McKellar	Russell
Bankhead	Harrison	Overton	Sheppard
Byrnes			

NOT VOTING—50

Andrews	Gerry	La Follette	Shipstead
Austin	Glass	Lee	Smathers
Berry	Green	Lewis	Smith
Bilbo	Hale	Logan	Steiwer
Borah	Hatch	McAdoo	Townsend
Brown, Mich.	Hayden	McCarran	Tydings
Burke	Herring	Miller	Vandenberg
Byrd	Hitchcock	Moore	Wagner
Caraway	Holt	Neely	Walsh
Chavez	Hughes	Nye	Wheeler
Davis	Johnson, Calif.	O'Mahoney	White
Dieterich	Johnson, Colo.	Pepper	
George	King	Pittman	

The PRESIDING OFFICER. On this question the yeas are 33, the nays are 13. A quorum, therefore, is not present, and the clerk will call the roll in order to develop a quorum.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	Lonergan	Reynolds
Ashurst	Duffy	Lundeen	Russell
Bailey	Ellender	McCarran	Schwartz
Bankhead	Frazier	McGill	Schwellenbach
Barkley	Gibson	McKellar	Sheppard
Bone	Gillette	McNary	Shipstead
Borah	Guffey	Maloney	Thomas, Okla.
Bridges	Harrison	Minton	Thomas, Utah
Brown, N. H.	Hatch	Murray	Truman
Byrnes	Hayden	Norris	Van Nuys
Clark	Hill	Overton	
Connally	King	Pope	
Copeland	Lodge	Radcliffe	

The VICE PRESIDENT. Forty-nine Senators having answered to their names, a quorum is present.

The Chair will ask the Senate to indulge him while he makes a statement touching the rule under which the Senate is at present proceeding.

In nearly all parliamentary bodies with which the Chair is familiar, when the absence of a quorum is suggested, the roll is called, and when a quorum is developed, the Members vote on the question at issue, and it is decided.

Under the procedure in the Senate, as the Chair understands the rules and the precedents, when a question is presented and the yeas and nays are taken, and a quorum is not developed on the vote, the roll is called, as has been done in the present instance. A quorum is now present, and the question is on agreeing to the motion of the Senator from Kentucky. The question will be submitted to a yeas-and-nays vote, the yeas and nays having been ordered, and if the roll call should again show less than 49 Senators present, the roll would again have to be called for the purpose of developing a quorum.

It seems to the Chair that a simpler rule would be to provide that when a quorum had been developed in such a case, the Senators who had not voted on the previous vote should have an opportunity to cast their votes. That would greatly facilitate the proceedings.

The question is on the motion of the Senator from Kentucky [Mr. BARKLEY] to lay on the table the motion of the Senator from Tennessee [Mr. McKELLAR]. The yeas and nays have been ordered.

Mr. CONNALLY. Mr. President—

The VICE PRESIDENT. The question is not debatable. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GIBSON (when Mr. AUSTIN's name was called). I announce that my colleague [Mr. AUSTIN] is unavoidably detained from the Senate. If present, he would vote "yea" on this question.

Mr. SHIPSTEAD (when his name was called). I have a general pair with the senior Senator from Virginia [Mr. GLASS]. On this question I do not know how he would vote. If at liberty to vote, I should vote "yea."

Mr. MINTON. I announce that the Senator from Rhode Island [Mr. GREEN], the Senator from Delaware [Mr. HUGHES], and the Senator from New York [Mr. WAGNER] are absent because of illness.

The Senator from Tennessee [Mr. BERRY], the Senator from Mississippi [Mr. BILBO], the Senator from Michigan [Mr. BROWN], the Senator from Ohio [Mr. BULKLEY], the Senator from South Dakota [Mr. BULOW], the Senator from Nebraska [Mr. BURKE], the Senator from Virginia [Mr. BYRD], the Senator from Arkansas [Mrs. CARAWAY], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Illinois [Mr. DIETERICH], the Senator from Georgia [Mr. GEORGE], the Senator from Rhode Island [Mr. GERRY], the Senator from Virginia [Mr. GLASS], the Senator from Iowa [Mr. HERRING], the Senator from South Dakota [Mr. HITCHCOCK], the Senator from West Virginia [Mr. HOLT], the Senator from Colorado [Mr. JOHNSON], the Senator from Oklahoma [Mr. LEE], the Senator from Illinois [Mr. LEWIS], the Senator from Kentucky [Mr. LOGAN], the Senator from California [Mr. McADOO], the Senator from Arkansas [Mr. MILLER], the Senator from New Jersey [Mr. MOORE], the Senator from West Virginia [Mr. NEELY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Florida [Mr. PEPPER], the Senator from Nevada [Mr. PITTMAN], the Senator from New Jersey [Mr. SMATHERS], the Senator from South Carolina [Mr. SMITH], the Senator from Maryland [Mr. TYDINGS], the Senator from Massachusetts [Mr. WALSH], and the Senator from Montana [Mr. WHEELER] are unavoidably detained.

Mr. McNARY. I announce the following general pairs:

The Senator from Pennsylvania [Mr. DAVIS] with the Senator from Kentucky [Mr. LOGAN];

The Senator from Vermont [Mr. AUSTIN] with the Senator from Arkansas [Mr. MILLER];

The Senator from Oregon [Mr. STEIWER] with the Senator from Tennessee [Mr. BERRY]; and

The Senator from North Dakota [Mr. NYE] with the Senator from Mississippi [Mr. BILBO].

I also announce that the Senator from Pennsylvania [Mr. DAVIS], the Senator from Maine [Mr. HALE], the Senator from Oregon [Mr. STEIWER], the Senator from Delaware [Mr. TOWNSEND], the Senator from North Dakota [Mr. NYE], and the Senator from Michigan [Mr. VANDENBERG] are necessarily detained.

The roll call was concluded.

The result was announced—yeas 35, nays 11, as follows:

YEAS—35

Adams	Donahey	Lonerger	Pope
Ashurst	Duffy	Lundeen	Radcliffe
Barkley	Frazier	McCarran	Schwartz
Bone	Gibson	McGill	Schwellenbach
Bridges	Gillette	McNary	Thomas, Okla.
Brown, N. H.	Guffey	Maloney	Thomas, Utah
Capper	Hatch	Minton	Truman
Clark	Hayden	Murray	Van Nuys
Copeland	Lodge	Norris	

NAYS—11

Andrews	Ellender	McKellar	Russell
Bankhead	Hill	Overton	Sheppard
Connally	King	Reynolds	

NOT VOTING—50

Austin	Davis	Johnson, Colo.	Shipstead
Bailey	Dieterich	La Follette	Smathers
Berry	George	Lee	Smith
Bilbo	Gerry	Lewis	Steiwer
Borah	Glass	Logan	Townsend
Brown, Mich.	Green	McAdoo	Tydings
Bulkeley	Hale	Miller	Vandenberg
Bulow	Harrison	Moore	Wagner
Burke	Herring	Neely	Walsh
Byrd	Hitchcock	Nye	Wheeler
Byrnes	Holt	O'Mahoney	White
Caraway	Hughes	Pepper	
Chavez	Johnson, Calif.	Pittman	

The VICE PRESIDENT. On this vote the absence of a quorum is disclosed.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BARKLEY. When a Senator is in the Senate Chamber and votes "present," is he counted in the calling of the roll for a quorum?

The VICE PRESIDENT. He is counted; yes.

A quorum is not present.

Mr. BARKLEY. Mr. President, I ask unanimous consent to make a statement.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kentucky that he be permitted to make a statement? The Chair hears none.

Mr. BARKLEY. Mr. President, I am advised that a number of Senators who are in the vicinity of the Chamber, have not answered on the last roll call. I wish Senators to know that so long as those present will sustain me we propose to stay here tonight until a quorum is developed if it takes all night. What we will do when the quorum is developed is another matter. I am not willing to have the Senate admit that it cannot obtain a quorum of its Members in order to carry a motion. If Senators think they can break up this session by remaining on the outside of the Senate Chamber and refuse to answer to their names, I wish to serve notice that, at least insofar as I can, I shall attempt to keep the Senate in session tonight until a quorum is developed.

The VICE PRESIDENT. The Chair might make an additional statement, with the permission of the Senate. A quorum developed just prior to this vote. A quorum developed just prior to the former vote. What has occurred illustrates the chaotic condition of the rules of the Senate with reference to this particular subject. The Chair wishes the chairman of the Rules Committee of the Senate were present so that he could take official notice of it.

Does the Senator from Kentucky desire a roll call in order to develop a quorum?

Mr. BARKLEY. Automatically the roll must now be called in order to obtain a quorum.

The VICE PRESIDENT. The Chair is advised by the parliamentary clerk that automatically under the rules the roll must be called for the purpose of developing a quorum.

LXXXIII—33

The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Hill	Overton
Andrews	Connally	King	Pope
Ashurst	Copeland	Lodge	Radcliffe
Bailey	Donahey	Lonerger	Reynolds
Bankhead	Duffy	Lundeen	Russell
Barkley	Ellender	McCarran	Schwartz
Bone	Frazier	McGill	Schwellenbach
Borah	Gibson	McKellar	Sheppard
Bridges	Gillette	McNary	Shipstead
Brown, Mich.	Guffey	Maloney	Thomas, Okla.
Brown, N. H.	Harrison	Minton	Thomas, Utah
Byrnes	Hatch	Murray	Tydings
Capper	Hayden	Norris	Van Nuys

The PRESIDING OFFICER (Mr. CLARK in the chair). Fifty-two Senators having answered to their names, a quorum is present. The question is on the motion of the Senator from Kentucky [Mr. BARKLEY] to lay on the table the motion of the Senator from Tennessee [Mr. McKELLAR]. On that question the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BORAH (when his name was called). Present.

Mr. SHIPSTEAD (when his name was called). Making the same announcement as before, I withhold my vote.

The roll call was concluded.

Mr. McKELLAR (after having voted in the negative). On this question, as on previous roll calls, I have a general pair with the senior Senator from Delaware [Mr. TOWNSEND], who is not present. I transfer my pair with him to the senior Senator from South Carolina [Mr. SMITH], and will allow my vote to stand.

Mr. MINTON. The Senator from Rhode Island [Mr. GREEN] and the Senator from Delaware [Mr. HUGHES] are detained from the Senate because of illness.

The Senator from Tennessee [Mr. BERRY], the Senator from Mississippi [Mr. BILBO], the Senator from Ohio [Mr. BULKLEY], the Senator from South Dakota [Mr. BULOW], the Senator from Nebraska [Mr. BURKE], the Senator from Virginia [Mr. BYRD], the Senator from South Carolina [Mr. BYRNES], the Senator from Arkansas [Mr. CARAWAY], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Illinois [Mr. DIETERICH], the Senator from Georgia [Mr. GEORGE], the Senator from Rhode Island [Mr. GERRY], the Senator from Virginia [Mr. GLASS], the Senator from Mississippi [Mr. HARRISON], the Senator from Iowa [Mr. HERRING], the Senator from South Dakota [Mr. HITCHCOCK], the Senator from West Virginia [Mr. HOLT], the Senator from Colorado [Mr. JOHNSON], the Senator from Oklahoma [Mr. LEE], the Senator from Illinois [Mr. LEWIS], the Senator from Kentucky [Mr. LOGAN], the Senator from California [Mr. McADOO], the Senator from Arkansas [Mr. MILLER], the Senator from New Jersey [Mr. MOORE], the Senator from West Virginia [Mr. NEELY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Florida [Mr. PEPPER], the Senator from Nevada [Mr. PITTMAN], the Senator from New Jersey [Mr. SMATHERS], the Senator from South Carolina [Mr. SMITH], the Senator from Maryland [Mr. TYDINGS], the Senator from Massachusetts [Mr. WALSH], and the Senator from Montana [Mr. WHEELER] are unavoidably detained.

Mr. GIBSON. My colleague the senior Senator from Vermont [Mr. AUSTIN] is unavoidably detained. If present, he would vote "yea."

Mr. COPELAND. My colleague [Mr. WAGNER] is absent on account of illness. If present, he would vote "yea."

Mr. McNARY. I announce the following general pairs:

The Senator from Vermont [Mr. AUSTIN] with the Senator from Arkansas [Mr. MILLER];

The Senator from Pennsylvania [Mr. DAVIS] with the Senator from Kentucky [Mr. LOGAN];

The Senator from Oregon [Mr. STEIWER] with the Senator from Tennessee [Mr. BERRY]; and

The Senator from North Dakota [Mr. NYE] with the Senator from Mississippi [Mr. BILBO].

I also announce that the Senator from Vermont [Mr. AUSTIN], the Senator from Delaware [Mr. TOWNSEND], the Senator from Pennsylvania [Mr. DAVIS], the Senator from Oregon [Mr. STEIWER], the Senator from North Dakota [Mr. NYE], the Senator from Maine [Mr. HALE], and the Senator from Michigan [Mr. VANDENBERG] are necessarily detained from the Senate.

The roll call resulted—yeas 36, nays 11, as follows:

YEAS—36

Adams	Copeland	Lodge	Norris
Ashurst	Donahey	Lonergan	Pope
Barkley	Duffy	Lundeen	Radcliffe
Bone	Frazier	McCarran	Schwartz
Bridges	Gibson	McGill	Schwellenbach
Brown, Mich.	Gillette	McNary	Thomas, Okla.
Brown, N. H.	Guffey	Maloney	Thomas, Utah
Capper	Hatch	Minton	Truman
Clark	Hayden	Murray	Van Nuys

NAYS—11

Andrews	Ellender	McKellar	Russell
Bankhead	Hill	Overton	Sheppard
Connally	King	Reynolds	

NOT VOTING—49

Austin	Dieterich	La Follette	Smathers
Bailey	George	Lee	Smith
Berry	Gerry	Lewis	Steiger
Bilbo	Glass	Logan	Townsend
Borah	Green	McAdoo	Tydings
Bulkeley	Hale	Miller	Vandenberg
Bulow	Harrison	Moore	Wagner
Burke	Herring	Neely	Walsh
Byrd	Hitchcock	Nye	Wheeler
Byrnes	Holt	O'Mahoney	White
Caraway	Hughes	Pepper	
Chavez	Johnson, Calif.	Pittman	
Davis	Johnson, Colo.	Shipstead	

The PRESIDING OFFICER. On this question the yeas are 36 and the nays are 11. One Senator has answered "present" and one Senator, being present, has announced his pair. A quorum is present, and the motion of the Senator from Tennessee [Mr. McKellar] is laid on the table.

EXECUTIVE SESSION

Mr. BARKLEY. Mr. President—

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. ELLENDER. Mr. President—

The PRESIDING OFFICER. The Chair will state that the Senator from Kentucky has the floor, having been recognized by the Chair.

Mr. BARKLEY. I simply wish to inquire whether the Senator from Louisiana wants to go on now or to suspend until tomorrow.

Mr. ELLENDER. I will state to the Senator from Kentucky that I cannot conclude my remarks today.

Mr. BARKLEY. Under those circumstances, I do not desire to hold the Senate in session any longer. I therefore move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Chair would like to state that, so far as he is concerned, he should be glad to recognize the Senator from Louisiana; but the Senator from Louisiana, having yielded, he lost the floor, and the Chair recognized the Senator from Kentucky.

Mr. BARKLEY. The Chair is correct about that. I wish to say that I did not want to take advantage of the Senator from Louisiana, but I did not understand that he wanted to proceed further tonight.

The PRESIDING OFFICER. The Chair would have been glad to recognize the Senator from Louisiana.

Mr. ELLENDER. I should like to have the floor tomorrow morning.

The PRESIDING OFFICER. The Chair cannot control that matter, because the present occupant of the chair may not be in the chair tomorrow. If the present occupant of the chair should be in the chair tomorrow, he would be glad to recognize the Senator from Louisiana.

Mr. BARKLEY. There will not be any trouble about that.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. CLARK in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORT OF COMMITTEE ON THE JUDICIARY

Mr. CONNALLY, from the Committee on the Judiciary, reported favorably the nomination of Toxey Hall, of Mississippi, to be United States attorney for the southern district of Mississippi, vice Robert M. Bordeaux, which was ordered to be placed on the Executive Calendar.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state in order the nominations on the Executive Calendar.

POSTMASTER

The legislative clerk read the nomination of Peter M. Davey to be postmaster at Bridgeport, Conn.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. SHEPPARD. I ask that the Army nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the Army nominations are confirmed en bloc.

That concludes the Executive Calendar.

RECESS

The Senate resumed legislative session.

Mr. BARKLEY. I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate took a recess until tomorrow, Saturday, January 15, 1938, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate January 14 (legislative day of January 5), 1938

NATIONAL MEDIATION BOARD

Otto S. Beyer, of Virginia, to be a member of the National Mediation Board for the term expiring February 1, 1941. (Reappointment.)

COLLECTOR OF INTERNAL REVENUE

Rufus W. Fontenot, of New Orleans, La., to be collector of internal revenue for the district of Louisiana to fill an existing vacancy.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 14 (legislative day of January 5), 1938

APPOINTMENTS IN THE REGULAR ARMY

Brig. Gen. Percy Poe Bishop to be a major general.

Col. Jay Leland Benedict to be a brigadier general.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

Capt. Howell Harrell to Quartermaster Corps.

First Lt. Graydon Casper Essman to Chemical Warfare Service.

First Lt. Travis Ludwell Petty to Chemical Warfare Service.

Second Lt. Gordon Harrison Austin to Air Corps.

Second Lt. German Pierce Culver to Air Corps.

Second Lt. Jackson Holt Gray to Air Corps.

Second Lt. James Rutland Gunn to Air Corps.

Second Lt. Harry Ripley Melton, Jr., to Air Corps.

PROMOTIONS IN THE REGULAR ARMY

Louis Roberts Dougherty to be colonel, Field Artillery.

Samuel Roland Hopkins to be colonel, Field Artillery.

Otto Frederick Lange to be lieutenant colonel, Infantry.
Harlan Leslie Mumma to be lieutenant colonel, Quartermaster Corps.

Alexander Mathias Weyand to be lieutenant colonel, Infantry.

Walter David Mangan to be lieutenant colonel, Field Artillery.

Edgar Ambrose Jarman to be major, Judge Advocate General's Department.

William Giroud Burt to be major, Infantry.

Howard Webster Lehr to be major, Infantry.

Marshall Joseph Noyes to be major, Corps of Engineers.

Charles Manly Walton to be major, Infantry.

Versalious Lafayette Knadler to be major, Field Artillery.

Samuel Lyman Damon to be major, Corps of Engineers.

Thomas Cleveland Lull to be major, Infantry.

Leonard Sherod Arnold to be major, Field Artillery.

Henry Blodgett McIntyre to be colonel, Medical Corps.

Martin Robert Reiber to be lieutenant colonel, Medical Corps.

William Kenneth Turner to be lieutenant colonel, Medical Corps.

Fletcher Emory Ammons to be major, Medical Corps.

Clifford Paul Michael to be captain, Medical Corps.

Oscar Samuel Reeder to be captain, Medical Corps.

POSTMASTER

CONNECTICUT

Peter M. Davey, Bridgeport.

HOUSE OF REPRESENTATIVES

FRIDAY, JANUARY 14, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father, author of the morning light, guardian through the darkness and the shadow of the night, be with us in the experiences of the day. Whatever may be our trial, give us the courage to stand without compromise for that which we believe to be true. Grant that the mists of uncertainty may be dispensed in the sunlight of a happy faith. Almighty God, we breathe out of our heart an earnest prayer for our Capital City; the circles of crime are dipping to murky depths. Be it according to Thy will to suppress the corrupting forces, lest they be instruments of immeasurable degradation. We pray that all righteous citizens may unite their powers to drain and cleanse the moral scrofula out of the dark channels of our city life. May they labor sleeplessly for her fair name and character. We thank Thee for our home life; may it ever be a symbol to us of Thy beautiful household where Thy presence pervades. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERMISSION TO ADDRESS THE HOUSE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that on Monday next, after the disposition of matters on the Speaker's table and the legislative program for the day, that I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

JOINT COMMITTEE ON HAWAII

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that the Joint Committee on Hawaii may have 30 days more in which to file their report.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

EXTENSION OF REMARKS

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to insert therein some short newspaper clippings and a table.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to include therein a radio address delivered by my colleague the gentleman from Connecticut [Mr. CITRON] and the Reverend Gilbert, chaplain of the Senate of the State of Connecticut, on the subject of flood control.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. ANDERSON of Missouri. Mr. Speaker, I ask unanimous consent to extend my own remarks.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOME RULE FOR THE NATIONAL CAPITAL

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to address the House for 1 minute. Is there objection?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, in the other body much has been said in recent days of certain conditions existing in the Capital. I today have introduced a joint resolution proposing an amendment to the Constitution of the United States to provide for a republican form of government and representation in the Congress for the District of Columbia.

The time has come for the Congress of the United States to relieve itself from the burden of operating a municipal administration in the National Capital.

The problems of national government have become so complex and so strenuous that I am sure I speak for all my colleagues in saying none of us ever has enough time to do his work as he would like to. As much as has been accomplished since 1933 we all know that a great deal remains to be done before the United States is firmly established on a basis of permanent modern democratic prosperity.

I make this preamble by way of explaining why I say that Congress should divest itself now of an unnecessary and unjust burden: the operation of the District government.

When the Constitution of the United States was written, article I, section 8, directed the Congress:

To exercise exclusive legislation in all cases whatsoever over such district (not exceeding 10 miles square) as may by cession of particular States and the acceptance of Congress become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislation of the State in which the same shall be, for the erection of forts, magazines and arsenals, dockyards, and other needful buildings.

It is that phrase "exclusive legislation in all cases whatsoever" which continues to place upon Congress the unnecessary and unjust burden of which I have spoken.

When the founding fathers were building the structure of the National Government, what is now the District of Columbia was no more than a village and a vision. Nobody conceived the present thriving and magnificent city of 625,000, nor the Washington we will have 10 years from now.

By 1947, according to George McAneny, chairman of the committee appointed by President Roosevelt in 1936 to study Washington's fiscal affairs, there will be 1,000,000 residents in the District. Thus we have confronting us an extremely important, fundamental issue.

Shall 1,000,000 Americans be disenfranchised, denied the right of citizenship, because they have moved to the Capital of the United States?

It is not necessary to argue the question of whether an American citizen should have the right to vote. That was settled by the Declaration of Independence and the Revolutionary War.